John Adams
Library,



IN THE CUSTODY OF THE
BOSTON PUBLIC LIBRARY.



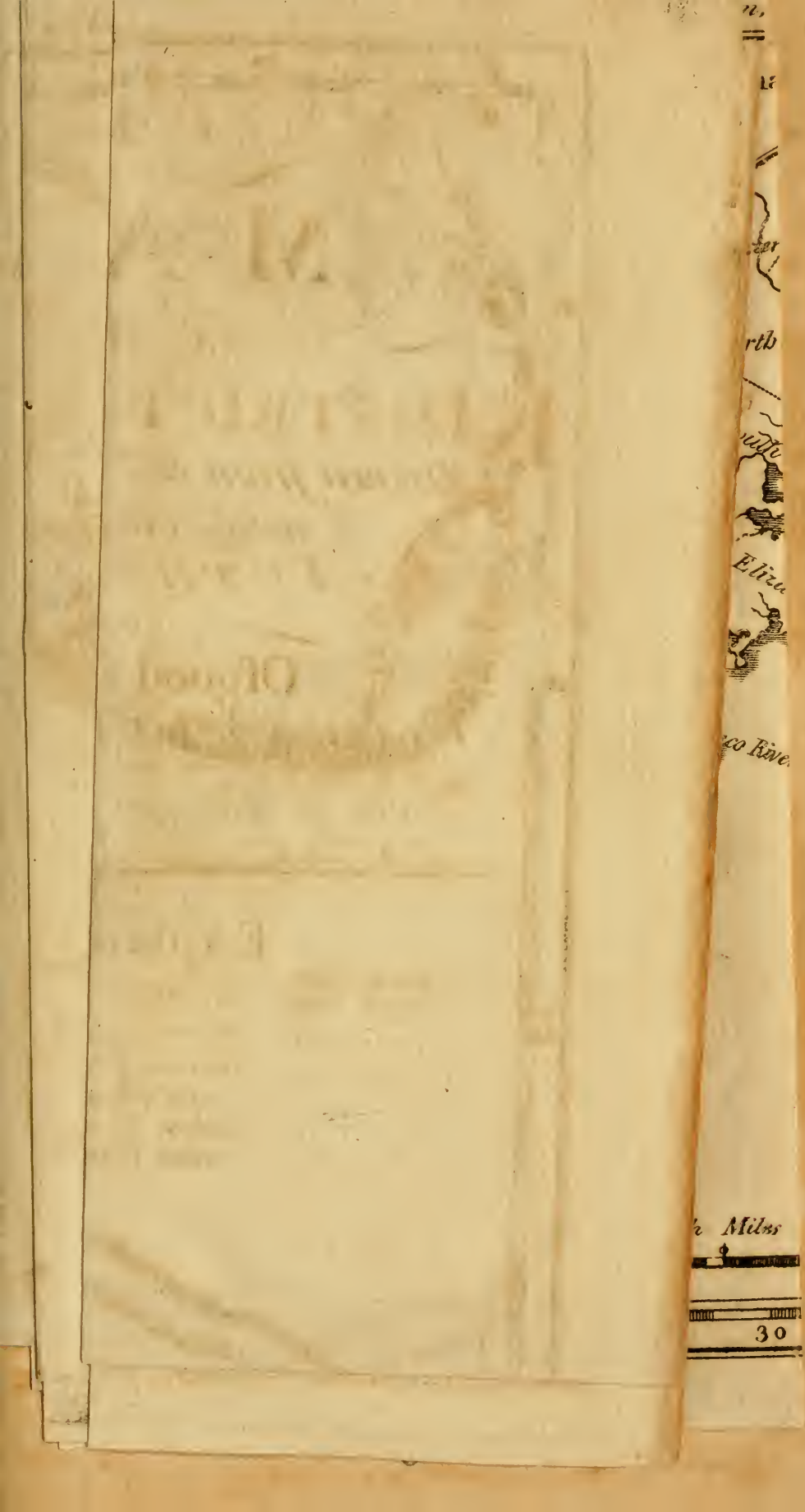
SHELF Nº
ADAMS
252.15

To the Vice President of the
United States of America.

Sir

The high respect
I have to your official
and personal character
induces me to ask your
acceptance of this
Volume
from your most
obedient and
very humble
servant

The Author


Miles
30

Engraved for Judge Sullivan's History of the District of Maine. Published by Thomas & Andrews, Boston. 1795



THE

HISTORY

OF THE

DISTRICT

OF

MAINE.

By JAMES SULLIVAN.

Illuſtrated by a new correct MAP of the DISTRICT.

Boston.

PRINTED BY I. THOMAS AND E. T. ANDREWS,

FAUST'S STATUE, No. 45 NEWBURY STREET.

1795.

ADAMS252.15

To His Excellency the GOVERNOUR, *His Honour the* LIEUTENANT GOVERNOUR, *the Honourable* COUNCIL, *the Honourable* SENATE, *and* HOUSE *of* REPRESENTATIVES, *of the* COMMONWEALTH *of* MASSACHUSETTS.

IN a country where the advantages of education are placed equally within the reach of all the people, and the principles of literature are universally diffeminated, an author muſt ſeek for ſupport in the merit of his own production. It may therefore, not be proper, in this country, for a writer to ſolicit the patronage, of even thoſe, whoſe virtues and abilities, juſtly eſtimated by their fellow citizens, have raiſed them to places of publick truſt and authority. Yet, as an original member of *The Maſſachuſetts Hiſtorical Society*, I embrace this opportunity to pay my acknowledgments to that government which gave it birth. It ~~be~~ *is* ~~ing~~ intended by that Inſtitution, to collect, and preſerve, thoſe documents and materials, which will aid in the completion of a perfect hiſtory of United America.

THE encouragement which the Society has been favoured with already, in various parts of the

United States; as well from men eminent for their learning and patriotism, as from governments, and civil departments, muſt eſtabliſh its uſefulneſs commenſurately with the objects of its inſtitution.

SHOULD *The Hiſtory of the Diſtrict of Maine*, be received by the publick, as a proof of my ardent wiſh that the Society may anſwer the publick expectations, I ſhall conſider myſelf fully compenſated for my labour.

SOME of the facts, and events, which compoſe the Hiſtory of this part of America, have been mentioned by other writers, as incidental to their plans; but I have attempted to arrange theſe, with others of equal importance which have been neglected, into a diſtinct Hiſtory of an extenſive, and important part of our country. Whether I am ſo fortunate as to deſerve the approbation of my fellow citizens, or not, yet I have ſnatched from the graſp of oblivion, many valuable and uſeful facts.

HAVING not aſſumed this taſk from mercenary views, or with an ambitious deſire to obtain the reputation of an Author, and being conſtantly under the preſſure of many publick, and private avocations,

tions, I have not paid much attention to the dreſs, in which the Hiſtory is introduced to the publick. I have endeavoured to render it intelligible, and uſeful.

THE Hiſtory of ancient, political tranſactions, and events, exhibits to the preſent, a picture of the former age; and, like experience, has a tendency to prevent evils, and to render mankind more wiſe and happy.

THE Hiſtory of the Diſtrict of Maine, involves a great variety of facts, meaſures, and events, which tend to evince the utter impracticability of eſtabliſhing a government in the principles of the feudal law, or in an hereditary authority, over any other than a conquered people. It alſo exhibits in a ſtrong point of view, the great calamities, and inſupportable misfortunes, which neceſſarily reſult from a relaxed, and unſettled ſtate of civil government.

FROM a comprehenſive view of the ſchemes, the deluſions, and the diſappointments, of the firſt adventurers to the Diſtrict of Maine, it may be concluded with the higheſt reaſon, that though deep ſpeculations, and alluring projects, may dreſs a country, or an enterprize, in the glare of imagina-

ry

ry wealth, yet the conſtitution of our world is ſuch that the habits of induſtry, and frugality, are the only ſubſtantial foundation, on which national proſperity can be confided with ſafety.

FROM the hiſtories of all countries, and governments, this great truth is firmly eſtabliſhed, that the political happineſs of a people, will be always commenſurate with their virtue and morality: and that public ſchools, academies, and colleges, aided by teachers of piety, religion and morality, are neceſſary, to give efficacy to the civil inſtitutions of a free country.

THE part of our country which is the ſubject of this hiſtory, was, for a long time after its diſcovery, under the dominion of different European ſovereigns: detached from all the other colonies in America, it conſiſted of ſeveral ſeparate, independent governments. From the confuſion and misfortunes, which exiſted amongſt theſe, the neceſſity of a conſtitutional union, of the preſent ſovereign States of America, by one general government acting on the people of the whole, for national and federal purpoſes, may be clearly ſeen.

UPON an attentive review of the hiſtory of each part of our country, we cannot fail to be convinced, that the genuine ſeeds of *republicaniſm*, which

have

have produced our glorious *revolution*, with a rich harveſt of civil liberty, were planted by our anceſtors, in the ſoil of America, at a very early date; and that nothing but an unreaſonable indulgence of a diſpoſition to avarice, and ambition, groundleſs jealouſies, a criminal ſupineneſs in public concerns, or an unpardonable inattention to the modes of education, can ever deprive us, of that elevated proſperity and happineſs, to which, under the direction of a good and wiſe Providence, the principles of civil freedom, well underſtood, and wiſely exerted, have raiſed our *nation*.

I have the honour to be,

With all reſpect, and the higheſt ſenſe of duty,

Your Excellency's, and Honours',

Moſt obedient,

And moſt humble ſervant,

JAMES SULLIVAN.

March, 1795.

ADVERTISEMENT TO THE READERS.

THE particular deſcription of bays, harbours and rivers; or the topographical deſcription of towns, or places in the Diſtrict of Maine, or the characters of individuals who had a part in the ancient tranſactions of government, or ſocieties, cannot equally engage the attention of the readers: but the author found that many of the people of that territory would expect theſe, as eſſential, in their opinion; and therefore, as others may paſs thoſe matters over unnoticed, he hopes that no ſolid objection will be made to the following Hiſtory, on account of its being ſo very minute and particular.

ERRATA.

Page 117, line 6 from top, for *fourteen* hundred, read *four* hundred.
—— 135, line 2 from top, for *thirty*, read *eighty*.
—— 148, laſt line, for *Vichedahant*, read *Nickadehunt*.
—— 170, in note, for 1778, read 1768, and line 14 from top, for *walls*, read *wells*.
—— 176, line 12 from bottom, for *Hamden*, read *Harnden*.
—— 215, line 16 from bottom, for *Blue Point*, read *Black Point*.
—— 241, line 8 from bottom, for 1740, read 1750.
—— 247, line 3 from bottom, for Bonabeag *Pond*, read Bonabeag *Point*.
—— 286, line 15 from top, between *river* and *having*, read, *excepting the magiſtrates*.

CONTENTS.

CHAPTER I.

THE Extent and Situation of the Country. 5

CHAPTER II.

The Capes, Bays, Harbours, and Rivers. 13

CHAPTER III.

The Diſcovery, and taking Poſſeſſion of the Country. 43

CHAPTER IV.

The Motives and Views of the firſt Adventurers. 62

CHAPTER V.

The Manners of the Natives. 80

CHAPTER VI.

The Grants of Land by the Europeans. 109

CHAPTER VII.

The Titles from the Natives. 129

CHAPTER VIII.

The Deſcription of the Ancient and Reſpectable Towns, including the Incidents of their Settlements, and the Wars they have been Engaged in with the Savages. 155

CHAPTER

CHAPTER IX.

The Revolutions of Government which have taken place in the Diſtrict. 267

APPENDIX.

No. I. *Grant of the Province of Maine to Sir Ferdinando Georges, April* 3, 1639, 397

No. II. *Deed to Wheelwright, and others,* 408

No. III. *Another Deed to Wheelwright,* 409

No. IV. *Covenants and Agreements, between the Governour and Council of Maſſachuſetts, of the one part, and Mugg, Indian, in behalf of the Sachems of Penobſcott, on the other part,* ibid.

No. V. *Directions from the Council of War, &c. &c. to Col. Church, on an Expedition again the Indians,* 410

No. VI. *Commiſſions and Ordinances from Gorges,* 413

THE

THE

HISTORY

OF THE

DISTRICT of MAINE.

CHAPTER I.

Of the Extent and Situation of the Country.

THAT part of the Commonwealth of Maſſachuſetts, which is now the Diſtrict of MAINE, and contains the counties of *York*, *Cumberland*, *Lincoln*, *Hancock*, and *Waſhington*, lies between the forty third and forty ſeventh degrees of north latitude. This extenſive country is bounded, beginning at Piſcataqua River, which finds the ſea in the latitude of 43 degrees 4 minutes north from the equator, and extends northerly on that river to the ſource of its main branch, about forty miles from the ſea; and then North two degrees weſt, on the line of New

Hampſhire,

Hampſhire, about one hundred and twenty miles to the Province of Quebec : then eaſterly, on the Highlands, which divide thoſe rivers, that empty themſelves into the St. Lawrence, from thoſe which fall into the Atlantic, to the north weſt corner of Nova Scotia ; and ſoutherly to the ſource of the river St. Croix, and from that river to the ſea ; and on the ſea, until it interſects a line drawn ſouth from the middle of the mouth of Piſcataqua River. This includes a part of nine ſmall Iſlands, which are ſituated three leagues without the mouth of the river laſt mentioned ; ſome of which are inhabited. The extent, by a ſtrait line, on the ſea coaſt, is two hundred and forty miles : and ninety miles on an average back into the country. The diſtance on the crooked margin of the ſea, is much more extenſive, than the line above mentioned, and the diſtance from Piſcataqua to St. Croix, as the road muſt be made, will be two hundred and eighty miles.

The ſeaſon for vegetation, in the northern part of this country, is about fifteen days ſhorter, than it is in the ſouthern, or rather weſtern part ; but there is no great difference in the quantity of ſnow which falls in the various parts of it.

The idea adopted on the firſt ſettlement of the country, was, that the ſeverity of the winters would render the climate unhealthy, and uncomfortable ; and that the ſoil would never be productive of thoſe vegetables, and of that kind of ſuſtenance which habit had rendered neceſſary to the life of Europeans : but this is now found to be a miſtake. The ſoil on the ſea coaſt is hard, and reluctant to the plough ; but farther back from the ſea, it is yielding ; and the crops of grain are

equal

equal to what can be procured in the weſtern parts of New England. This is however, but a late diſcovery; for until the American Revolution, the greater part of the bread, which was conſumed in the diſtrict, was brought from the middle States of North America.

The weather in the Diſtrict of Maine, as well as in every part of North America, is found to be colder, than it is in ſame degree of latitude on the other continent.

There has been many attempts to account for this circumſtance, and the hypotheſis of Dr. Robertſon, ſeemed to have given ſatisfaction: but ſome diſcoveries have been lately made, which have left the mind ſtill on the ſearch. The Doctor ſuppoſes, that as our Eaſt winds generally produce ſoft, and our North and Weſt winds generally produce very cold weather, and as our higher mountains generally, even in South America, have ſnow on their tops, that our cold is occaſioned by the northerly and weſterly winds being raiſed on the mountains and chilled before the inhabitants are ſaluted by the gales. It might be obſerved, that if this was the true cauſe, we ſhould certainly find, that on the ſoutherly ſhore of the Southern Ocean, the eaſt and ſouth winds would give as cold weather, as the north and weſt winds give to us; and yet our ſhips which have lately ſailed over the Pacific Ocean, in their route round Cape Horn, to China, have found vegetation in full vigour, and the fruits of the earth in the higheſt ſtate of perfection on this continent, in the fifty firſt degree of north latitude, in the month of December. But the trade winds may prevail there, coming over the ſea, ſo as to prevent the cold, and preſerve a degree of temperature in the weather.

If the coldneſs of our climate, is in any meaſure owing to our country being covered with thick and heaby foreſts, we have an aſſurance that time, and the lavour of man, will change it for the better; and even if the cold ariſes in a great meaſure from our lakes, the opening of the country, will have a tendency to give a remedy to the evil, if it is one.

One of our own philoſophers has lately ſuggeſted another reaſon for the coldneſs of our country: Dr. Holyoke imagines it to be, in a great meaſure, owing to the great number of *ever greens* in our woods. This idea is new, but it is a very ſatisfactory one, and applies itſelf with great force in the Diſtrict of Maine, where the foreſts are compoſed, almoſt altogether, of hemlock, ſpruce, pine, and fir trees.*

We do not wiſh to part with the bleſſings we enjoy, but we wiſh to accumulate, and to add others to theſe: and perhaps, for the ſake of novelty, we may wiſh a change, where it would be to our diſadvantage. The people of the Diſtrict of Maine, may, in a tedious winter, long for the ſoft breezes of Virginia and the Carolinas; but they would be very unwilling to take the fever and ague, and the other diſorders incident to thoſe States, with the gentle weather, in exchange for our northern ſnow banks.

However diſagreeable the winters of a northern climate may be, yet the northern part of every country is more healthy, than that part which is nearer to the equator: and we know that the human race is increaſed between the fortieth and fiftieth degrees of latitude, much beyond what it is any where elſe. It is very certain,

* Second Vol. of Tranſactions of the American Academy of Arts and Sciences, Part I.

tain, from obſervations, that there are more children born in the Diſtrict of Maine, than there are from the ſame number of parents in the State of Maſſachuſetts, weſt of New Hampſhire; and that the mortality attending children is not ſo great there, as it is farther to the ſouthward. Beſides this, an enquirer will be clearly convinced, that there are not ſo many pulmonic complaints there, as are found in the other parts of New England. Yellow or bilious fevers are very rare, and the fever and ague is now hardly known to the inhabitants: but it was frequent there within ſixty years laſt paſt.

On a late cenſus, there were found, about ninety ſix thouſand inhabitants in the Diſtrict; there are now more than one hundred thouſand; and yet, in the year 1750, there were not ten thouſand in the territory. There has been an acceſſion of inhabitants from Europe, and from the other parts of New England, ſince that time, as there had been at all times before. This may be conſidered as one reaſon for the increaſe of inhabitants by birth, in a greater proportion, than happens in the other parts of the State. That policy which prohibits marriage amongſt near relations, will encourage an intercourſe with ſtrangers: And we find that removals from one climate to another, are favourable to health and longevity.

The animals found in the Diſtrict, are ſuch as are generally found in other cold countries. In all parts, there were formerly numerous flocks of deer, of a much larger ſize than what they are in the parks in England, or in the woods in the ſouthern parts of North America; but in the weſtern part of the Diſtrict theſe are nearly all cut off. There was an animal which was pecu-

liar to the northern parts of this country, of a monſtrous ſize, called the *mooſe*. He was commonly ſeven or eight feet high, fed on the bruſh, his gait was a trot, in which he would go over the higheſt fences with eaſe, and diſtance the fleeteſt hound. There are but few of theſe to be ſeen now.

The wolf, the bear, and the fox, are inhabitants of all northern climates: and the beaver, which has been ſo valuable in our Diſtrict, is well known to the world.

There is no one ſpecies of animals which are capable of being domeſticated, or rendered uſefully docile, that was found in the territory under conſideration. It has been related by hiſtorians * that when the Europeans came to the continent, the Savages were exceedingly frightened, at the appearance and barking of a dog. But *Charlevoix* ſays, that the North American Savages had dogs before they had any communication with the Europeans: that the dogs accompanied their maſters in hunting, and were treated cruelly by them. When the North American Indians firſt had a direct intercourſe with the the Europeans, by the latter having gained a ſettlement in the country, the Spaniards had been for more than a century in South America: and no doubt the tribes had handed the uſe of ſeveral ſpecies of animals from one to another, towards the northern regions. And it is very poſſible that dogs had been raiſed in North America. Charlevoix ſays, the Savages treated their dogs with cruelty; by this he muſt mean, that it was done after the Europeans had gained a ſettlement here; becauſe that a bare diſcovery of the country, could not give the Europeans a knowledge of that fact. There is no pretenſion for what has been ſaid

* Purchas and Ogilby.

ſaid by ſome, that the wolf of America in courſe of time may be tamed and rendered obedient as the dog. They are clearly another ſpecies of animals, poſſeſſing faculties very unlike thoſe which are poſſeſſed by the canine race.*

There was an animal called by the natives the *buccarebou*, which was peculiar to the Diſtrict. He appeared to be in ſtile between the mooſe and the deer, and was ſeldom ſeen. He was very ſwift, and his fleſh was by no means valuable.

The cattle, ſheep, and horſes, now found in America, were brought from Europe, and are as eaſily raiſed and multiplied in the Diſtrict of Maine, as in any part of the continent.

The horned cattle, with the ſame attention, are raiſed to as large a ſize, on the banks of the Piſcataqua, Kenebeck and Penobſcot, as in any part of New England. The ſheep are much larger on the Kenebeck, than they are in the old colony of Maſſachuſetts; the mutton is of a higher and better flavour, and the fleeces much heavier than in the old colony. The horſes are not ſo tall, their necks ſo long, nor their cheſts ſo full, as farther to the ſouthward, but they are very hardy, capable of enduring great fatigue, and poſſeſs great ſtrength and firmneſs.

There were never any lions or tigers, or other animals, which preyed on human fleſh, in this part of America. The bear and the wolf were never offenſive

* John Joſſelyn, in his account of his two voyages to New England, ſays, Page 94, that, "the Indian dog is begotten between the wolf and the fox, which they make uſe of, bringing them up to hunt, &c." There is great reaſon to doubt the truth of this piece of natural hiſtory: for there has been none of this mongrel ſpecies of animal found lately in the woods, and old Indians have ſaid that they never heard of any ſuch. The Author has made particular inquiry of them.

to man, or ever attempted his injury, unleſs, when hardly preſſed, they might do it in their own defence. The rattleſnake is the only poiſonous ſerpent which inhabits the country, and theſe are very rarely ſeen in the Diſtrict.

There are no offenſive flies, excepting for a few weeks in the heat of ſummer, and the muſketo is the moſt troubleſome of theſe.

The Diſtrict of Maine, at the time of the charter of William and Mary, in the year 1692, was held under two appellations: that part which lies between Piſcataqua River and Kenebeck River, was known by the name of the Province of Maine; that part which lies between St. Croix and Kenebeck, was called by the ancient French name of Acadie, and both theſe names were preſerved in that charter.

The Province of Maine was not then conſidered as extending more than one hundred and twenty miles from the ſea. All the country beyond that diſtance from the ocean, was conſidered as Crown Lands.

CHAPTER

CHAPTER II.

Bays, Capes, Iſlands, and Rivers.

THE courſe of the ſea ſhore from Cape Ann to Cape Neddick is northeaſterly. There is no iſland in the bay between theſe, excepting nine ſmall iſlands, called the Iſles of Shoals: three of which only are inhabited. There is a rock, three miles from the ſhore, generally bare, containing nearly an acre in ſurface, known by the name of Boon Iſland; memorable for a ſhipwreck in the year 1710. Several other iſlands are ſeparated from the main, by ſmall inlets of water, ſuch as the Great Iſland in New Hampſhire, Gerriſh and Cutt's Iſlands in the Diſtrict of Maine, and others ſituated like theſe. From Cape Neddick the ſea ſhore takes a more eaſterly courſe to Cape Porpoiſe, which is about thirty miles eaſt from the weſt line of the Diſtrict. There are no iſlands between Cape Neddick and Cape Propoiſe, excepting a few which are ſo near the main land, as to be conſidered as appendages to it.

From Cape Porpoiſe to Cape Elizabeth, the extent of the ſea coaſt is more eaſterly, and includes a bay of about thirty miles, from the ſoutherly to the northerly ſide of it. In this bay we find but two iſlands which deſerve attention, theſe are Wood Iſland and Richmond Iſland; the former is a foreſt; the latter is but little improved, and neither is inhabited. From Cape Elizabeth to Small Point, within the diſtance of forty miles on the ſea coaſt, are found the waters called *Caſco Bay*. Within this bay, three hundred and ſixty five iſlands

are ſaid to be numbered : but perhaps this is an error, and that three hundred is the full amount. Some of theſe are inhabited, and nearly all are more or leſs cultivated. The land on the iſlands, as well as on the ſea coaſt oppoſite to the bay, is better for agriculture than any where elſe, on the borders of the ſea, within the Diſtrict. There are ſeveral other bays within that of Caſco Bay : ſome of which are frequently mentioned in the hiſtory of this country : the moſt noted of theſe is the bay of *Maquoit*, which lies about twenty miles north of Cape Elizabeth. This is a bay of ſhoal waters, where the Indians were uſed to land with their canoes, and from thence to carry thoſe veſſels over to Pejepſcott Falls on Androſcoggin river. This was done by the Savages with the toil of only four miles walk. From theſe falls, they went down into Kenebeck river, and from thence continued their rout up that river to Weſſerunſett, and thence over to the St. Lawrence ; or turned and went down through Monſeag Bay towards Penobſcot ; or from the falls they continued their progreſs up the river of Androſcoggin beyond the White Mountains, and over to Connecticut river, and from thence to Lake Mefremagog, and down to the limits of Canada. There are ſeveral arms or inlets of ſalt water, extended into the country from Caſco Bay. The waters go up to New Meadows River, where veſſels of a conſiderable ſize are carried by the tide, and where it flows within one mile of the waters of Kenebeck.

The people there are cutting a canal to open a communication between the waters of the river Kenebeck, and thoſe of Caſco Bay, through this arm of the ſea, which has gone by the name of Stevens' River. The point called Merryconeag, projecting itſelf into the bay,

bay, together with an iſland called Sebaſcodeagan, and ſeveral other ſmall iſlands, are incorporated into a town by the name of Harpſwell. The waters extended round the Iſland of Sebaſcodeagan, are continued near to the waters of Kenebeck, and with theſe form what is called Small Point. From that river there are only two miles for a carrying place, to the waters of Caſco Bay, on the north end of the iſland laſt mentioned. On the north ſide of Small Point, the ſea coaſt is more eaſterly ſtill. Here we find ſeveral very important iſlands, which from being near to the main land appear to the navigators paſſing by, to be annexed to the continent. Theſe all are within the points or capes, and are inhabited. The firſt is Parker's Iſland at the mouth, and on the eaſt ſide of the river Kenebeck. This iſland contains about eighteen thouſand acres of land, and is tilled by the labour of more than ſixty families. Near to this, and parted from it by a narrow ſtrait of waters, is the iſland of Arrowſike; not ſo large as Parker's Iſland, but is within the ſame town, and bears the houſe of public worſhip. On the ſouth of both theſe is Stage Iſland, which is of no conſequence, excepting what it has derived, from its being the firſt land inhabited in New England by a civilized people. There are no inhabitants there at this day, nor are the eight acres which it contains, capable of much improvement, by the hand of agriculture.

On the eaſt ſide of Kenebeck, there is an iſland called Monheagan, which is not now inhabited; but on which Captain Smith landed his party in the year 1614. The chimneys, and remains of the houſes, are there at this day.

On

On the northeaſt ſide of the iſlands of Arrowſike and Parker's, is the large iſland of Jeremyſquam, containing a number of inhabitants, and dividing the bay of Monſeag from the river of Sheepſcut. When we have paſſed theſe iſlands, the ſea coaſt is eaſt by north generally in its courſe. From the land on the eaſt ſide of Sheepſcut river, we paſs to the bay of Pemaquid, which contains a number of iſlands: many of theſe are under ſubjection to the plough. Next to Pemaquid, and between Pemaquid Point on the weſt, and Pleaſant Point on the eaſt, we meet the waters of Broad Bay, which are on the ſhore of an ancient Dutch ſettlement of that name. Monheagan, and other valuable iſlands, are in this bay. As we paſs on an eaſtward courſe from this bay, we go by a point of land, eaſt of the one called Pleaſant Point: on the former is a town called Thomaſtown, but the point itſelf has no particular appellation. It projects however, ſome way into the ocean, though not ſo far as Pemaquid Point. We next meet with Penobſcot Bay; the eaſt ſide of which is made by an iſland called Burnt Coat, and a point of land called Naſkeag. On this point, and extending into the country up to the town of Penobſcot, is the town lately incorpotated by the name of Sedgwick. From the point on which Thomaſtown is, to the iſland and point on the other ſide of the bay, is about ſixteen leagues on a line nearly eaſt and weſt. The principal iſlands in the bay of Penobſcot, are the Fox Iſlands, Haut Iſland, Long Iſland, and Deer Iſlands. There are a multitude of ſmall iſlands, rocks, and ledges, which there is no neceſſity for deſcribing. Through this bay to the mouth of the river, the weſtern channel goes up by a head land on the weſt, called Owl's Head, and be-

tween

tween Long Iſland on the weſt and Cape Roſier on the eaſt to Bagaduce point. The eaſtern channel is between Haut Iſland on the weſt, and Burnt Coat Iſland on the eaſt, and through a reach called Long Reach, formed by the ſhores of Naſkeag, or Sedgwick on the eaſt, or north eaſt, and Deer Iſlands on the weſt, or ſouth weſt, till it unites, between Point Roſier and Long Iſland, with the other channel.

The bay called Blue Hill Bay is formed by Naſkeag Point on the weſt, and the iſland of Mount Deſert on the eaſt. This body of water extends northerly, nearly up to a mountain on the eaſt of Penobſcot River, which from its appearance to thoſe who obſerve it at ſea, is called Blue Hill. The river called Union River brings its waters to this bay.

The iſland of Mount Deſert, lying in what is now called Frenchman's Bay, is a large and valuable iſland: but of an irregular form, interſected deeply in the middle, by waters flowing from the ſea, into the ſouth ſide of it. There is a narrow channel, between that and the main land, but the water is of eaſy navigation all round it. This iſland divides Blue Hill Bay, from what is now called Frenchman's Bay: the latter being formed by the eaſt ſide of the iſland on the ſouth weſt, and by Schooduck Point, the towns of Goldſborough and Sullivan on the north eaſt. There are two conſiderable iſlands on the ſouth eaſt ſide of Mount Deſert, called Craneberry Iſlands, and which aſſiſt in forming a harbour in the gulph, which is thrown in on the ſouth ſide of that iſland.

From Schooduck Point, on the caſt of what is now called Frenchman's Bay, to the mouth of St. Croix, the general courſe of the ſea ſhore is eaſt and by north. There

is

is a body of waters, between Goldſborough and Machias, a part of which is called Naraguagus Bay: from thence for the ſpace of ſixty or ſeventy miles, the navigator finds, within a great number of fine iſlands, a ſecure and pleaſant ſhip way. Many of thoſe iſlands are inhabited, and make a fine appearance. From Machias Bay, to the mouth of the St. Croix, there are a great many iſlands, but the navigation is generally without theſe in the open ſea.

In the year 1704, when Colonel Church made an attack on a French plantation on the River Shooduck, he found one Lutterelle, a French nobleman, on one of theſe iſlands, and removed him. The iſland ſtill retains the Frenchman's name. There was alſo on a point, which forms one ſide of the entrance of Shooduck River, in the place below where General Lincoln's plantation now is, a French Lady's ſettlement, which ſhe abandoned in thoſe times, and took refuge in Quebeck; but the place has the appellation which ſhe gave it.

There are a great number of inconſiderable bays, or coves, which under particular names interſect the country; but which are of no great importance in the deſign of this work, and are therefore not ſpoken of. The waters, and uſefulneſs, of theſe are inconſiderable, and the names are not neceſſary in deſcribing either the ſituation of grants of land, or the places of any memorable tranſactions.

Having thus given a general ſketch of the bays, and capes, I ſhall proceed to deſcribe the rivers, which paſs through the main land to the ocean.

The firſt river demanding attention is that of Piſcataqua, which gives the weſtern limits of the Diſtrict.

This

This river finds the ſea in forty three degrees five minutes of northern latitude ;* and at the diſtance of thirty miles on a north courſe from the head of Cape Ann. The Iſles of Shoals ſhew themſelves oppoſite to and ſoutherly from the mouth of the river. Theſe iſlands are three leagues from the points which form the river's mouth. As we paſs up this river, we have Kittery on the eaſt, and Newcaſtle, Portſmouth, and Newington on the weſt. The waters are ſufficient to bear ſhips of the largeſt ſize for the ſpace of ten miles from the ſea ; but the tide is very raqid : at this diſtance from the ſea, we meet with the waters of ſeveral rivers, the confluence of which forms the aggregate of the waters, which are ſo deep and uſeful in the main river for navigation.

At this place, ten miles from the ocean, we meet with the waters which iſſue from Exeter river, Newmarket river, Durham or Oyſter river, Quochecho river and Back river : theſe all come from New Hampſhire. Leaving the waters of theſe rivers, we proceed up the river of Newichwawanick to Berwick. The waters of the laſt mentioned river are ſufficient to bear veſſels of nearly one hundred tons burthen, up to a place four miles within the town of Berwick. Below this, in the town of Kittery, is a ſmall creek, called Sturgeon Creek. It has been related by the aged people of this part of the country, that the fiſh called ſturgeon were plenty at the mouth of that Creek in the early day of the country : but there have been none ſeen in the river within the memory of any perſon now living. This creek will be occaſionally mentioned in other parts

* This is according to Holland's obſervations. Others place it in forty three degrees four minutes north.

parts of this hiſtory, which renders it neceſſary to notice it in this place. Above the head of the navigable part of this river, the tide flows over a ſmall fall of water nearly the ſpace of one mile; and within that ſpace, the river receives another, called the Great Works River, and by ſome Chadbourne's river. This river ariſes from a pond called Bonnebeag Pond, about thirty miles from its mouth, and is ſaid to have taken the appellation of the Great Works River, from there having been anciently a ſaw mill on a great fall in it, at the diſtance of one mile from the river wherein it loſes itſelf. This mill, as is reported, was erected by one Ledgors. None of his poſterity live in the town at this day. As the ſtory is, he had eighteen ſaws which were moved by one wheel; but the force neceſſary to ſet theſe in operation was ſo great, and ſo difficult to continue, that the project was ſoon laid aſide. The river was called Chadbourne's River, becauſe Mr. Chadbourne, one of the firſt ſettlers of the country, purchaſed the lands on the mouth of it, of the natives, in the year 1643. His poſterity continue to hold the lands at this day. Nearly the whole of the tract is now in the poſſeſſion of the honourable Benjamin Chadbourne, Eſq. the great grandſon of the firſt purchaſer. The Indian name of this river is loſt. There are ſeveral valuable mills on the river, within and above the town of Berwick.

At the head of the tide in the river Newichwawanick, we meet the falls of Quampeagan. The natives gave this appellation to the place, becauſe fiſh were there taken with nets.

The language of the Abenaquies, or eaſtern Indians, was very barren: and it is not poſſible at this day to form

form a juſt idea of the mode in which they compounded their words, to render their language ſignificant in its uſe. The word *eag* ſignified *land*, and when they intended to expreſs lands of a particular property, quality or ſituation, they joined ſuch other word to that, as would with it expreſs their meaning. The lands at Salem were called Naumkeag: this, in the Indian dialect, ſignified the land where the water is winding in its courſe. We ſhall find many inſtances of this kind in the progreſs of this work.

At the falls on Quampeagan are a ſet of ſaw, and other mills. Here alſo is the Great Landing Place, where immenſe quantities of lumber are rafted, or carried in ſcows. From Quampeagan, the river Newickwawanick loſes that name, and aſſumes the Engliſh appellation of Salmon Fall river. This name was given by the Engliſh, by reaſon of the plenty of ſalmon which the waters afforded. The aged people, who lived within fifty years laſt paſt, related, that when they were young, that kind of fiſh was ſo plenty on the falls now called Salmon Falls, one mile and a half above Quampeagan, that the people uſed to take them with ſpears on the rocks: but there is no man now alive who remembers to have ſeen any there. The ſaw mills, where the dams extend acroſs the ſtream, are the ſure deſtruction of that ſpecies of fiſh. The people have tom cod, or what they call froſt fiſh, ſmelts and alſo alewives in great plenty, there, in the proper ſeaſons. The place called Salmon Falls, is covered with uſeful mills. Above theſe, at the diſtance of four miles, we meet what is called the Great Fall, where ſaw mills are continued to great advantage. On many places on the

river

river from Quampeagan to the pond, from whence it iſſues, we meet with mills for boards and corn.

There are only two rivers above the head of the tide, which run into Salmon Fall river from the Diſtrict of Maine: Theſe are both in Berwick. The one is called Worſter's River, and the other Little River. Theſe are neither noted for uſefulneſs, or for the quantity of water, which the ſhores conduct to the principal river. The head of Newickwawanick, is in a pond forty miles nearly from the ſea; and is fed by two other ponds: theſe three are called Salmon Fall Pond, the North Eaſt Pond, and Lovell's Pond.

There are ſeveral ſmall rivers in the weſtern part of the Diſtrict of Maine, which on account of the navigation, or of the waters within the banks, are not worthy of notice; yet as the boundaries of ancient grants, and townſhips, are known from theſe, and as the wars which are to be treated of, have carried deſtruction and diſtreſs, on the places, known anciently, by the names which the rivers now bear, it will be neceſſary to deſcribe the ſituation of thoſe ſtreams.

A ſmall creek, called Spruce Creek, urges its winding way, through the marſhes from the mouth of Piſcataqua River, five or ſix miles up into Kittery. When when we have paſſed that, we have to travel four miles to the river in the centre of York, formerly called Agamenticus River. Veſſels of ſmall burthen are allowed to enter the mouth of this river, which receives no conſiderable aid from any ſtream of freſh water, but being indebted immediately to the ocean for its exiſtence, it returns the waters again, at the diſtance of four miles ſoutherly of Cape Neddick River.

The

The river called Cape Neddick River, brings a ſmall ſtream from the foot of Agamenticus hill down to the ſea near the cape, and in return receives a ſupply from the ſea, which affords a very inconſiderable navigation for fiſhing veſſels. The ebbing of the ſea carries the water ſo entirely out, that the mouth of the river is fordable at half tide.

The river next to Cape Neddick, would not be worth attention, if it had not been mentioned one hundred and fifty years ago, as the boundary between York and Wells. This river is called Negunket, perhaps formerly Oguntiquit. There is no navigation on this river, nor are the mills of any value there. The tide urges itſelf into the marſhes at Wells, a few miles eaſt of Negunket, and forms a harbour for ſmall veſſels.

Further eaſt, and within the town of Wells, the river Mouſom is found coming from ponds of that name, about twenty miles from the ſea. The ſtream of this river, turns ſeveral mills, and is increaſing in its uſe and conſequence. There is no good harbour within the river, but the inhabitants are opening one by means of a canal.

Within two miles of Mouſom, is the river Kenebunk: a good harbour is found, at the mouth of this river, from whence great quantities of lumber are ſhipped for a market. There the lumber of Mouſom is ſhipped at preſent. This river divides the towns of Wells and Arundel, and coming but a few miles from the inland parts of the country, is, together with the two laſt mentioned rivers, loſt in the ſea between Cape Porpoiſe and Cape Neddick.

On the eaſt of, and four miles from Cape Porpoiſe, we meet the river Saco: At the mouth of this river is

a bar,

a bar, which injures the navigation very much: a veſſel of more than one hundred tons burthen, cannot generally paſs the bar, if fully loaded. Without the bar, and between a peninſula now called Fletcher's Neck, and the main land, is a body of waters called the Pool, where veſſels of any ſize may lie at all ſeaſons of the year, and take in their lading at pleaſure. There is a narrow neck of land between the Pool and Saco River, and on the weſt ſide of the latter, which may be opened, by a canal, to carry lumber and produce into the Pool without engaging in the hazard of paſſing the bar.

As we paſs up this river, with an eaſy tide, five miles from the ſea we meet the fall of water called Saco Falls. The river flowing with great force, from a great diſtance, is here divided by an iſland containing about thirty acres; and on each ſide of it tumbles over a precipice of rocks, and mixes with the tide. The appearance of theſe falls, more eſpecially on the eaſt ſide of Indian Iſland, is very ſublime and majeſtic. The perpendicular height was never taken, but it may be conceived, that from the level of the water, where the fall begins, to the level of the tide below the iſland, at low water mark, the fall may exceed forty feet. Below the iſland is a fine baſon where the veſſels take in their lading; and on the falls are mills carrying in all more than ten ſaws, continually employed in cutting boards: there are alſo three or four corn mills on the ſame place. Salmon are taken here as well as further up the river, in a great abundance. Up the river, ten miles from Saco Falls, is a fall of water, which from the plenty of ſalmon taken there, is called Salmon Fall.

It

It is remarkable that the great number of ſaw mills on that river, has never deſtroyed, or leſſened, the quantity of ſalmon in it. The mill dams do not extend acroſs the river, and there is a curioſity in ſeeing the exertion of thoſe fiſh in making their way up the falls. When the ſun ſhines clear in the morning, they are frequently ſeen engaged in this enterpriſe, and moving from one rock to another, by great exertion, and reſting on each, in ſpite of the cataract which oppoſes their progreſs, until they have gained the ſtill waters above.

On the branches of this river as well as on the main ſtream, are a great many mills, and valuable works. Thirty miles from the ſea, in the river's courſe, the ſmall ſtream iſſuing from a pond in the ſtate of New Hampſhire, called the Little Oſſipee, throws itſelf into the Saco. And within twenty miles further up, the river of Great Oſſipee, coming from another pond in New Hampſhire, ſwells the Saco and impels its courſe. We proceed up the river Saco until we find its ſource on the ſide of the White Mountains, in New Hampſhire. For a deſcription of thoſe mountains, I muſt refer the reader to Dr. Belknap's hiſtory of that ſtate.

From theſe mountains the waters run into Connecticut River, Saco River, and Androſcoggin River; the latter is a branch of the Kenebeck. Saco river meanders through the ancient Indian village of *Peckwalket*, now Fryeburgh, ſixty miles from the ſea.

In the year 1775, the river Saco was found to ſwell ſuddenly, and in a manner very ſingular in its appearance to the inhabitants on its banks: as there had not been rain ſufficient to encreaſe the waters ſo much, they

were at a loſs to account for the appearance : but it was finally diſcovered to be occaſioned by a new river having broken out on the ſide of the White Mountaints, and iſſuing into the Saco. That river continues yet to aid the Saco, with conſiderable waters ; though the exact quantity gained from it, is not aſcertained by any traveller, yet it is generally conſidered as furniſhing Ellis' river, a branch of the Saco, with half its waters.

When this new river iſſued from the mountain in October 1775, a mixture of iron ore gave the waters a red colour for ſeveral days, and the people who inhabited the upper banks of the Saco, had a report that the river was bloody, and conſidered it as an ill omen on the public concerns.

Eaſt of Saco, are the rivers of Dunſtan, Spurwink, and Nonſuch. Theſe have no conſideration, excepting that the former offers a difficult harbour to veſſels of a ſmall ſize. There are creeks formed in the marſhes by the ſea, near Blue Point and Black Point. Theſe, together with the Saco, hold their connexion with the ſea, between Cape Porpoiſe and Cape Elizabeth.

On the eaſt of Cape Elizabeth, is the arm of the ſea, called Stroudwater. Further eaſt is the river Preſumſcott, formerly called Preſumpca, or Preſumpkeag. This river communicates with the waters of Caſco Bay on the eaſt of Portland. Several valuable mills are placed upon the ſtream of Preſumpſcott, but the extent of it into the country is not great ; and the waters are conducted by it from Sebago Lake to the ocean.

Six miles from Preſumpſcott, another river called Royal's River, by the natives Weſtecuſtego, flows into

Caſco

Caſco Bay : on this river are ſome mills, and a good harbour for ſmall veſſels is found in the mouth of it, but a fall of water near the ſea prevents its being navigable, for more than two miles from its mouth. This river generally appears on the maps of this part of the country, as a very large river ; but this is a miſtake. The deſcription given of the river in this work, is from the author's own obſervation.

There are no rivers between Royal's river, and the Kenebeck. Some creeks or arms of Caſco Bay throw themſelves into the main, affording harbours for ſmall veſſels, and interſecting the country in various forms.

The river Kenebeck loſes its waters in the Atlantic, eaſtward of Caſco Bay : and on the northeaſt ſide of Small Point. This river, known at its mouth by the name of Sagadahock, is rendered memorable, as well for its having been diſcovered and taken poſſeſſion of by the French in 1604, as by the Engliſh in 1607. The marks of ancient poſſeſſions on the banks of the river, may be omitted until we come to a proper place in the deſcription of the ancient towns in the Diſtrict. The iſlands at the entrance of the river have been already mentioned. We proceed up this river, a northerly courſe, upon a very urgent tide, to what is called the Chops of Merry Meeting Bay.

Georgetown is on both ſides, at the river's mouth, and at ten miles from the ſea we have the town of Bath on the weſt, and Woolwich on the eaſt. The Chops is a ſtrait where the ebbing and flowing tides are alike rapid and hazardous to navigation. Ships of a large ſize ſeldom attempt to paſs into Merry Meeting Bay. From the Chops up to the head, the river is called Kenebeck : below this, it was called Sagadahock.

In the Abenequies language the mouth of a great river is called Schunkadarunk. How the mouth of Kenebeck came by the name of Sagadahock, cannot now be determined : the mouths of the rivers of Penobſcott and Saco, had the ſame name, in the year 1630. Whether that is a corruption of the Indian word above mentioned, or a name given by the Indians to the tides in thoſe rivers, or a name given by the Engliſh, can only be a matter of conjecture at this day. When we have paſſed by what is called the Chops, we are in a large tract of waters, which has the appearance of an inland ſea, or lake.

Here the violence of the flowing tide is checked by ſeveral ſtreams, which unite in oppoſition to its ſtrength ; and at the ſame place deſtroy its force and ſaline quality. This bay is called Merry Meeting Bay. Whether this water has obtained that appellation from its being the general receptacle of waters, from ſeveral rivers, or becauſe the Savages, by an eaſy inland navigation in their canoes, were uſed to aſſemble there for the purpoſe of uniting in an enterpriſe, is not now known.

From this place we will carry the reader up the ſeveral rivers which have a confluence here. On the ſouth of the bay, and near the head of the Chops, is a creek, extending into the land on a ſouth courſe, and running with great violence for the ſpace of two miles, commonly called, by the natives, Whiſkeag ; but by the Engliſh called Whiſgig. From Merry Meeting Bay, we proceed weſterly, up what is now called Brunſwick River. In the courſe of two miles from the inlet of Whiſgig Creek, we leave on the ſouth a narrow neck of land, of not much more than one mile wide, which

divides

divides the waters of Stevens' River, before deſcribed, as an arm of Caſco Bay, from the waters of Brunſwick River.

A company has lately been incorporated for the purpoſe of cutting a canal through that iſthmus. This was formerly called the Carrying Place, becauſe the Indians coming principally by inland navigation, from Penobſcott, from Sheepſcott, Kenebeck, Norridgewalk on that river, and down the river now called Brunſwick, from Canada, through Lake Mefremagog, paſſed over it with their canoes, on their way to Caſco. It was called Stevens' Carrying Place, becauſe one Stevens, an ancient Indian trader, lived near it.

On a weſterly courſe, three or four miles further up, we come to a great fall of water, which puts an end to the tide; and is now called Brunſwick Fall. This river, was by the Indians called Pejepſcott, as far up as to thoſe falls; and the falls had the name of Pejepſcott alſo. The river above the fall was called Androſcoggin. There has been no actual ſurvey of this river, nor is it ſo well known as to allow of an accurate deſcription: but the general courſe of it from the White Hills is eaſt. Thoſe hills are in New Hampſhire, and lie northweſterly, ſixty miles from the ſea at Caſco Bay.

On the falls at Brunſwick are a number of very valuable ſaw mills. And though the waters are not navigable within two miles of the mills, yet great quantities of lumber are ſhipped from the river: ſome is brought from ſtreams which empty themſelves into the principal river. There are other falls in the river which may hereafter be rendered very valuable by improvement. When we have gone forty or fifty miles

up the Androſcoggin or *Amariſcoggin*, we purſue the ſouthern or weſtern branch to the White Mountains in New Hampſhire; from whence the river of Saco, and one branch of the Connecticut take their origin. The north, or northweſtern branch of the Brunſwick, or Androſcoggin, ſtretches itſelf on the northern ſide of, and beyond the White Mountains, about forty miles, perhaps half way over to the main branch of the Connecticut, and receives the waters of Lake Umbagog, and in its way takes thoſe of divers ponds and brooks, which iſſue from the high lands.

On the northern ſide of the river of Brunſwick, and not more than ſeven miles from the mouth of it, three ſmall rivers, Abagaduſſet, which is ſo called from a Sachem of that name, who lived there one hundred and thirty years ago, Cathance, and Muddy River, empty themſelves into the weſt ſide of Merry Meeting Bay.

As theſe rivers are neither navigable, nor uſeful for mills, or of note on account of the extent of the waters brought down to the bay, a further deſcription is unneceſſary.

On the eaſt of the bay, and ſix miles from the Chops, the waters of Eaſtern River flow from a ſmall pond, at about twenty miles diſtance, in the river's courſe, from its mouth. This river is not worthy of attention, excepting for mills, which were formerly erected on it, by the late Sylveſter Gardiner, Eſq. on the north of Kenebeck.

Having thus had a general deſcription of the ſmall rivers which unite with the Kenebeck, at Merry Meeting Bay, we will proceed up that river with as much accuracy of deſcription as is neceſſary to the preſent work.

There

Three miles from the Chops, the Iſland called Swan Iſland, divides the waters of the river. This iſland is found to be ſeven miles long, and was anciently the ſeat of the Sachem Kenebis, who ſold, or pretended to ſell all the country on both ſides of the river, and alſo the iſland. The river Kenebeck, no doubt took its preſent appellation from a race of Sagamores of the name of *Kenebis*. The waters which form Swan Iſland, are navigable on both ſides of it, but the channel on the eaſt ſide is moſtly uſed. Thirty eight miles from the ſea, we find a ſmall iſland, called by the natives Nahunkeag, which ſignifies the land where eels are taken. Within three miles of this iſland, a ſmall river coming weſt, from ponds which are in the town of Winthrop, runs into the Kenebeck, and is known by the name of Cobbeſeconte, as the Engliſh pronounce it, but by Indians was called Cobbiſſeconteag, which in their language is the land where ſturgeon are taken.

Six miles further up the river we find the head of the navigable waters. This is a baſon forty ſix miles from the ſea, and very commodious for the anchoring of veſſels.

On the eaſt bank of the ſmall fall which terminates the navigation of the Kenebeck, is Fort Weſtern, which was erected in the year 1752. From that fort to Taconnet Fall it is eighteen miles. This is a great fall of water: and on the bank of it, on the eaſtern ſide of the river, is the fort which was erected under the orders of Governor Shirley, in the year 1754, and called Fort Halifax. This fort is on a point of land, which is formed by the confluence of the Sabaſtacook with the Kenebeck, by which the latter is increaſed one third by

the

the waters of that river. The Sabaſtaccook comes from lakes nearly north from its mouth: and in its windings receives brooks and ſmall rivers, for the ſpace of one hundred and fifty miles.

Thirty miles above Fort Halifax, as the river's courſe is, the ſtream called Sandy River, loſes its waters in the Kenebeck, at the point where the ancient town of Noridgewock was. Forty miles, or near that diſtance further up, the river Kenebeck takes a ſouthweſtward courſe.

The Kenebeck turning again weſtward, receives the eaſtern branch, at fifty miles diſtance from Noridgewock. The main branch of the Kenebeck, winding into the wilderneſs, forms a neceſſity for ſeveral carrying places, one of which, called the Great Carrying Place, is five miles acroſs, and the river's courſe gives a diſtance of thirty five miles, for that which is gained by five on the dry land. At one hundred miles diſtance, or perhaps more from the mouth of the eaſtern branch, the ſource of the main or weſtern branch of the Kenebeck is found extended a great diſtance along ſide the river Chaudiere, which carries the waters from the high lands into the St. Lawrence.

The beſt deſcription of this branch of the Kenebeck, is had from the Officers who paſſed this route under the command of General Arnold, in 1775: among them, there is not any one more capable of giving a deſcription of the river than General Dearborne, who is now a member of Congreſs: a great part of the deſcription of this branch, is taken from him. There are no lakes, but ſome few ſmall ponds and moraſſes at the ſource of this branch. The carrying place from boatable waters in it, to boatable waters in the river Chaudiere, is only five miles over.

The

The eaſtern branch of Kenebeck, which unites with the other above Noridgewock, iſſues from a body of waters which lie north about twenty miles from the confluence of the two branches. Theſe waters are called Mooſe Pond or Mooſe Lake. The ſides of the lake are ſo crooked that the body of waters hath an irregular figure : but the lake contains three times as much water as is found in Lake George. There are very high mountains to the north and weſt of this lake, and from theſe the waters run by many channels to the St. Lawrence.

The Kenebeck affords great quantities of lumber, and is inhabited by ſeveral ſpecies of valuable fiſh, in the ſeaſon ſuited to their kinds. Salmon and ſturgeon are taken in great abundance there, and ſhad and alewives relieve the wants of the neceſſitous part of the inhabitants.

The river Kenebeck, forms the neareſt ſea port for the people on the upper part of the river Connecticut ;* ſeveral ſurveys have been made acroſs the country, and the land is ſaid to be capable of furniſhing a good road at an ordinary expenſe. The town of Portland may conſider this as a rivalſhip to their claim upon the country beyond the White Mountains, to which there can be no reaſonable objection, becauſe this kind of emulation tends much to a promotion of the public intereſt.

Next to the river Kenebeck in our progreſs eaſtward, we meet with the river called Sheepſcott River. The waters of this and the laſt mentioned river hold a communication, by a ſtrait at the head of Arrowſike Iſland, and through the bay of Monſeag. From one river to another

* The diſtance has been meaſured in 1793, and found to be 90 miles from the tide in Kenebeck to the Upper Cohos.

another on the ſea coaſt is about twelve miles. The iſlands which lie between have been already mentioned.

Sheepſcott River has at its entrance Boothbay, on the eaſt, Parker's Iſland, and Jeremyſquam Iſland on the weſt, and as we go up the river we have the towns of Edgecumbe and Newcaſtle on the eaſt bank, and Woolwich and Pownalborough on the weſt. Before we come to Newcaſtle we find the termination of the eaſy and extraordinary navigation of this river.

When we come near to a point of land which forms the eaſt ſide of Pownalborough, called Wiſcaſſet Point, we paſs through a ſtrait of waters called the Narrows ; and fall into a pool or baſon called Wiſcaſſet Bay. On the eaſt is the ſtrait mentioned, and on the ſouth the Narrows which divide the waters of the bay from thoſe of Monſeag Bay ; and called Cowſeagan Narrows. On the north is a ſtrait called Sheepſcut Narrows, above which there is only a navigation for ſmall veſſels.

The diſtance from the ſea to this baſon is about twenty miles : the water in the whole diſtance is very deep and eaſy of navigation : the communication with the bay on the weſt prevents the tide from being rapid, and the river bears no ice, even in the utmoſt ſeverity of winter.

Ships of any ſize can anchor and load at Wiſcaſſet Point with the utmoſt ſafety, and ſail from thence at any ſeaſon of the year. Above the point the tide flows five miles to Sheepſcott Falls. The river iſſues from ponds about twenty five miles from the head of the tide, and in its progreſs turns a great many ſaw mills. This river is noticed for the early ſettlement upon its banks, which will be attended to in the proper place. Sheepſcott River does not abound with fiſh, but ſeveral kinds of fiſh are found there at ſuitable ſeaſons.

From

From the mouth of Sheepſcott to the mouth of Damariſcota River is ſix miles on the ſea coaſt. The latter river bears the tide about fourteen or perhaps eighteen miles from the ſea: here a fall of water ſtops its progreſs, and empties the redundancy of Damariſcota Ponds into the channel where the ſalt water receives it. There is no freſh water river: the fall mentioned, divides the tide from a communication with ponds which ſpread themſelves twelve miles or more into the wilderneſs. The river carries ſmall veſſels as far as the tide flows, where very conſiderable quantities of lumber are taken in for foreign markets.

The river of Pemaquid, is ten miles eaſt of Damariſcota: this river is ſupplied by ponds which lie within thirty miles of the ſea. There is a large bay through which we paſs to enter Pemaquid harbour, or river. This bay is full of iſlands, the greater part of which are ſettled. At the diſtance of fifteen miles from the ſea, we meet the fall which terminates the navigation. The river affords a great plenty of lumber, but is moſt of all to be noticed for the ancient ſettlements on its banks. The fort, called Fort George, was on a point at the mouth of the river, and on the eaſt ſide of it. The remains of the fortreſs are there at this day.

Ten miles eaſt of Pemaquid, is found the river St. Georges. The tide goes fifteen miles up that river and meets a fall which, checking its progreſs, offers lumber in great plenty. There are large ponds at the head of the tide, which, as it is ſaid, may be rendered navigable a great way into the country: one Barret is now engaged in a project of that kind upon the ponds.

The

The fort was placed on the eaſt ſide of the river, and was in the year 1756 attacked by three hundred French and Indians. The conteſt laſted one day; when the enemy drew off without either ſuffering or doing much injury. The fort was commanded by Mr. North, a valiant and worthy man. There are more than fifty iſlands at the mouth of the river and near it, the greater part of which are inhabited.

Penobſcott river,* which was the ancient ſeat of Acadie, demands a particular attention. There is no river which offers a more inviting harbour, than is here found. The bay of Penobſcott is filled with fine iſlands; many of which are cultivated and ſettled.

Twenty miles from the outermoſt iſlands, we find on the eaſt ſide of the river a point of land, or a peninſula called, Bagaduce Point. Here was a fort erected in the year 1626, by the people of the colony of New Plymouth, and which afterwards through a variety of changes ſubmitted to the French, the Dutch, and the Engliſh. On the weſt ſide of the river, which appears like a capacious bay, is another peninſula, where Fort Pownal was erected. Twelve miles up from Bagaduce Point, an iſland called Orphan Iſland divides the waters into two rivers; that on the eaſt of the iſland takes the name of Eaſtern River, while the weſt branch continues into the country under the name of Penobſcott. On the weſt ſide is Frankfort; on the eaſt is Penobſcott; and on the head of that the town called Buckſtown.

Forty miles up the river from Bagaduce Point, the Great Falls which prevent further navigation, are met with. At the head of the falls is an iſland containing a conſiderable quantity of land, againſt which

* Anciently called Pemtegeovett.

which the river from the weſt, called Pooſhaw, and the Great Works River, from the eaſt, unite with the Penobſcott. At this place was the Indian Old Town. As we proceed up about three miles we meet the ſmall ſtream, called the Sunkhaze, coming from the eaſt. The main river appears beautified with ſmall iſlands for a conſiderable ſpace; and at the diſtance of forty miles from the head of the tide we ſee the river Paſſadumkeag emptying its waters into the Penobſcott from the eaſt.

Three miles further brings us to the Paſquatiquaſs which comes from the weſt. Twenty eight miles further up, or one hundred and twenty miles from Bagaduce, we meet another river coming from the eaſt: here is the Indian Upper Town, on the north ſide of the river's mouth; but the principal place of their habitation at this day, more eſpecially in the winter ſeaſon, is on the iſland near the firſt fall in the river.

Fifteen miles further up, on the eaſt ſide of Mount Fadder, another river comes from the north into the Penobſcott. There are two branches indeed, which unite themſelves near the place where the principal river receives the waters which theſe bring; the moſt eaſterly of the two comes but a few miles, ſerving to convey, towards the general receptacle, the redundant waters of a ſmall lake: the other finds ſupplies in two ponds near the high lands, about one hundred and fifty miles, as the river's courſe is from the ſea.

The weſt branch of Penobſcott takes its waters on the north weſt of the eaſtern branch of the Kenebeck, and in its courſe runs ſo nigh to Mooſe Pond as to give a carrying place of leſs than two miles from the one to the other; here the Savages come from Quebeck to

Penobſcott,

Penobſcott, with carrying places of ſeven miles only in the whole. Seventy miles in one reach above the firſt fall, the water is ſmooth, and flows with majeſtic ſilence, uninterrupted by falls.

The river Penobſcott may well be conſidered for beauty, convenience, and uſefulneſs, the firſt in the Diſtrict. There is none which equals it for the eaſe of navigation, or exceeds it in the plentifulneſs of fiſh, the excellency of its timber, or the commodiouſneſs of its mill privileges. They who are acquainted with it do not wonder, that it was anciently conſidered as a ſuitable place for the capital of a government.

I have mentioned the ſituation of two forts on the river Penobſcott; that on the eaſt ſide of the river, on the peninſula called Bagaduce Point, which was firſt erected by the colony of New Plymouth in the year 1626, and was alternately ſubjected to the French, Dutch, and the Engliſh, is now but the ruins or appearance of a fort, and known by the name of Caſteen's Fort: that on the weſt ſide was erected while Mr. Pownal was Governour of Maſſachuſetts, and remained as a garriſon until the year 1774: at which time the commander, Mr. Goldthwait, left it to fly to the ſtandard of royalty. The fort which was the object of the American expedition in the year 1779, was on Bagaduce Neck, not on the ſame peninſula with Caſteen's Fort; but nearly half a mile to the northward of it: There is a baſon on the north ſide of Bagaduce Neck which formed a harbour for ſhips, attending on that fort.

Union river is more than ſixty miles from the mouth of Penobſcott, by water, but it is ſaid to be only thirty or forty acroſs the country. The waters of it flow from the inland parts of the continent, which have not

yet

yet been explored, and will not at preſent, for want of being more fully known, admit of an accurate deſcription. This river is navigable fifteen miles from the waters of Blue Hill Bay, where the mouth of it is ſeen as a fine ſtream producing very conſiderable quantities of lumber. It is ſaid that this river is a gathering from a number of ſmall ſtreams, and not fed by any pond or lake, but extends a great way into the country. There are a number of leſſer ſtreams, that carry their waters to the bays which have been deſcribed: and a great number of creeks and arms of the ſea, which interſect the main land, forming points and peninſulas; but which would be difficult to deſcribe, and a deſcription of which may be conſidered as unneceſſary in this work.

Twelve miles eaſt of Schooduck Point, we meet the river Naraguagus. This river is conſiderable for the quantity of lumber procured in it, but the navigation of it is but a ſmall diſtance from the ſea: while the extent of the freſh water into the inland parts of the Diſtrict is very conſiderable.

About five miles further on, as the coaſt is, we find a ſtream called Pleaſant River. A general deſcription of this would be very ſimilar to that of the one laſt mentioned.

Chandler's River is twelve miles further eaſt, and ſupports mills and produces lumber; but has nothing which requires more at preſent than to ſhow its local ſituation.

Between Chandler's River and Pleaſant River is a ſmall arm of the ſea called Indian River.

The river of Machias, is ten miles from Chandler's River. There is not a great ſupply of freſh water to

that

that ſtream : but the lumber procured is very good, and the river eaſy of acceſs, though the navigation does not extend more than ten miles into the country; nor is the river extenſive above the tide.

There are ſeveral iſlands at the mouth of Machias River; and in the bay between that and the Shooduck, are ſome which are very valuable.

Upon leaving the bay of Machias, we go round a point called Pleaſant Point, and enter into a deep bay called Paſſamaquaddy Bay. This is formed by Cape Proe on the eaſt, and Pleaſant Point on the weſt: having in it Deer Iſland, Mooſe Iſland, and Paſſamaquaddy Iſland. On the north weſt angle of this bay, the River Schooduck finds the general receptacle, and extends weſterly a great way into the country. Two hundred miles from its mouth, as its courſes are, that river comes within one mile of the eaſt branch of Penobſcott, where there was an Indian carrying place, from the one to the other.

The Engliſh now poſſeſs the country as far weſt as the eaſt bank of the Schooduck, at its mouth. But if this is the St. Croix mentioned in the treaty with that nation, they will have nearly all the county of Waſhington, and a great part of the county of Hancock.

A line from the northweſt corner of Nova Scotia to the ſource of the Shooduck, is weſt of ſouth; perhaps a ſouth ſouth weſt courſe.

After Miller had made his ſurvey for Governour Bernard in 1764, the Governour conceived the idea of obtaining a grant of one hundred thouſand acres, ſouth of the Schooduck. He could not obtain an act of the General Court for the grant. The land in Acadie, by the charter of 1692, was thrown into ſuch an awkward ſituation,

ation, that the crown could not grant it without the aid of the General Court, or the General Court without the Crown.*

Bernard therefore propoſed to obtain a grant from the Province of Nova Scotia : in order to which it became neceſſary to throw the territory coveted, under the juriſdiction of that government. To effect this, he called to his aid a number of influential characters, and had a ſurvey made by one Morris, a ſurveyor of Nova Scotia. The hundred thouſand acres were laid out on the ſouth of the Shooduck, and marked for Francis Bernard, John Mitchel, Thomas Thornton, Richard Jackſon, and James Morris. In order to carry the land into Nova Scotia Province, it was neceſſary to bring the St. Croix to the weſt of the Shooduck. Morris, therefore, in forming his map, marked the Cobſcook with the name of St. Croix. This river is nothing more than a communication between the ſea and a ſalt pond, and is ten miles ſouth of the Schooduck. There is no freſh ſtream, beſides that of a very inconſiderable brook, which iſſues from the country to the ſalt pond.

A river, which the natives called the Mackagadawick, is found on the north ſide of Paſſamaquaddy Bay, twelve miles north eaſt and by north from the mouth of the Schooduck. This is much leſs than the river laſt mentioned, and we go up the ſtream of it ſeven miles from its mouth, on an eaſt courſe, then turning we go north nine miles ; at the end of which diſtance we find the forks ; then on an eaſt courſe fifty miles, as the river runs, or about that diſtance, we come to a pond which is

* Report of Talbot and York to the King in 1731.

is the fountain of the eaſt branch. The other branch has it ſource fifty miles in its courſe north of the forks. A line from the northweſt angle of Nova Scotia to the ſource of this branch would be ſouth eaſterly, and would croſs the St. John's, which goes round the St. Croix, and extends beyond the ſources of ſeveral ſtreams which run into the St. Lawrence.

The year before Morris's ſurvey, Bernard had employed Mitchel to ſurvey the country. He procured the affidavit of ſeveral Indians, who made oath that the Mackagadawick was always called the St. Croix : but this did not comport with the governour's wiſhes to obtain a grant. There is another river between the Schooduck and Mackagadawick which iſſues from a pond not far from the bay, called by the Indians Makagambo.

Theſe rivers afford a great plenty of ſalmon, and of other kinds of fiſh common to the rivers of northern climates. Lumber is obtained in theſe, but not ſo plentifully as it is further to the northward.

I do not mean to give an exact geographical deſcription of the Diſtrict : but a general idea of the extent and ſituation of the country, is neceſſary, in order to have the ſeveral parts of this hiſtory underſtood.

No writer has undertaken the geography of America, excepting a reverend author, whoſe information with regard to the Diſtrict of Maine, has deceived him in too many inſtances ; but it is to be hoped, that on a reviſion of his works, he will obtain a better, and more perfect knowledge of that country.

CHAPTER

CHAPTER III.

Of the Diſcovery, and taking Poſſeſſion of the Country, by the Europeans.

THOUGH the Diſtrict of Maine may boaſt as early a diſcovery as any part of North America, and as early a ſettlement as any part of New England; yet there has been a combination of cauſes to impede the progreſs of its improvement.

The firſt adventurers to this continent, did not place their dependence, in the enterprize, on the profits which might be produced by agriculture: and where, in the northern part of the new world, their hopes of diſcovering mines of precious metals had been diſappointed, they turned their attention to the fur trade, and to the fiſhery. In the more weſterly part of the Diſtrict of Maine, they gave the lumber buſineſs the preference, becauſe it procured for them an immediate ſupply of proviſions. They believed the ſoil of that part of the country to be unfavourable to agriculture, and incapable of yielding a ſupply of bread for the inhabitants. This idea, deſtructive as it was to the encreaſe and proſperity of the country, was continued until the American Revolution took place.

Prior to that event, the greater part of the bread, which was conſumed in the Diſtrict, was imported from the middle colonies of North America.

The ſeverity and length of the winters, were very diſcouraging; but as the wilderneſs is opened, theſe

become more mild, and yield much ſooner to the influences of the ſpring than they formerly did.

The depredations of the Savages, from the year 1675, to the year 1760, with but little intermiſſions of their wars, was the greateſt injury to the ſettlement and growth of the country.

The ſettlements, before the reduction of Quebeck, were generally on the ſea coaſt; where the ſoil is much more unyielding to the plough, and much leſs productive than it is further back in the country. The conteſt between England and France, for territorial poſſeſſions, made the country of this Diſtrict the theatre of ſavage wars, and for a long time together the principal place of thoſe alarms and diſtreſſes, which ariſe from predatory parties.

At the time when the reduction of Quebeck was effected, there were not more than thirteen thouſand people in the Diſtrict, from whence, on a late cenſus, more than ninety five thouſand have been returned: and we may with ſafety allege an encreaſe of four thouſands more at this day.

Newfoundland was the firſt territory which was diſcovered or poſſeſſed in North America, by either the French or Engliſh. From the diſcovery of the ſhores there, and from a pretence of right by prior dominion, the Engliſh claimed all North America, and the French a great part of it. Under this claim the ſettlements of the nation laſt mentioned, were extended, at an early period, as far weſtward as to the river Kenebeck; on an idea of a new government by the name of Acadie.

The ſucceſs of Chriſtopher Columbus in finding another continent, in his attempt to explore a navigable

route

route to the Eaſt Indies, called forth the genius of many men of learning and fortune; who exerted themſelves upon his laudable example, and were inſpired by his courage and perſeverance. The Venetians about this period, excelled other nations in the buſineſs of commerce, and conſequently poſſeſſed a ſuperior ſpirit of enterprize.

Among the many of them who had ſettled in England, was John Cabot, a man capable of great and arduous undertakings. He was well ſkilled, for the time in which he lived, in navigation and ſeamanſhip. Fired with the ſucceſs of Columbus, and highly ambitious to immortalize his name by diſcovering new countries; he, in the year 1495, applied to Henry the ſeventh of England; requeſting encouragement to throw himſelf into that buſineſs. The King, ambitious to imitate his brothers on the continent, and no doubt, being touched with the ſpirit of the day, yielded to the ſolicitation of the Venetian. A grant was made by the King, to John Cabot, and his three ſons, Lewis, Sebaſtian, and Sanctius, by letters patent, authorizing them to diſcover and claim, in his name, new countries, poſſeſſed by the heathen nations of the world.

The commiſſion iſſued by that Monarch, contained pretended powers to ſail to all countries, and ſeas, to the eaſt and weſt, and to the north, under his royal banners and enſigns: and with five ſhips, *on the proper charge of the adventurers*, to ſeek out, diſcover, and find, whatſoever iſles, countries, regions, or provinces *of the heathen and infidels*, whereſoever they might be, which had before that time been unknown *to all Chriſtians*: and to ſet up banners and enſigns in every village, iſle, or main land ſo newly diſcovered.

The adventurers were to give the king one fifth part of all the ore, mines, and other profits of the adventure: in conſideration of which, he granted to them, their heirs and aſſigns, all the lands they ſhould chance to find. One fifth part of the ore, was of great conſequence, according to the expectations of the adventurers.

Theſe letters patents, were granted in the year 1495. The aſſiſtance given by the merchants and others, enabled the patentees to fit out a fleet ready to ſail in the ſpring of the year 1496.

An account of this voyage was written by Sebaſtian Cabot, from which it is conjectured, that his father died before the fleet was ready for ſea. He relates, "that, in the year 1496, in the beginning of the ſummer, I began to ſail north weſt, not expecting to find any land but China; but after certain days I found the land ran towards the north, which was to me a great diſpleaſure: nevertheleſs, ſailing along the coaſt, to ſee if I could find any gulph that turned, I found the land ſtill continued to the 56th degree under the pole."*

There is an account, on a map in London, in which it is ſaid, that, "in the year 1497, John Cabot, a Venetian, and his ſon Sebaſtian, with an Engliſh fleet, ſet out from Briſtol, and diſcovered that land which no man, before that time, had attempted. That this happened on the 24th of June, about four of the clock in the morning. This land he called Prima Viſta, that is to ſay, firſt ſeen from the ſea. The iſland which lieth out before the land, he called St John's, becauſe it was diſcovered on the day of Saint John the Baptiſt."†

This

* Collection of Voyages.

† Purchas.

This account is not reconcileable to the conjecture of John Cabot * having died before Sebaſtian his ſon proceeded on the voyage : but the whole is reconcileable, on the ſuppoſition that Sebaſtian and his father went in two different ſhips, and that the account given by Sebaſtian was a hiſtory of his own voyage.

That account, on the margin of the map, further relates, that the natives, found on the ſhore, were armed with bows and arrows ; that the waters of the country abounded with fiſh ; but that the ſoil was barren and inhoſpitable. There are accounts, which may perhaps be relied on from the antiquity of their publication, that ſome of the natives were carried over to England by Cabot, on his return, and that they fed on raw fleſh, and were clothed in the ſkins of beaſts.†

In the year 1494, the Kings of Spain and Portugal, came to a reſolution, or an agreement, with the Pope's approbation, and under the authority of his grant, to divide this quarter of the world between them. The Engliſh writers ſay, that Henry the eighth of England was the firſt monarch who denied the juſtice and right of ſuch partition : and that he, in the year 1527, ſent two ſhips to make diſcoveries in the new world : the one was called the *Mary Guilford*, and the other the *Sampſon*.

In the former was one Albert Prato, who was a wealthy man, and a man of mathematical learning. The Sampſon was caſt away near Newfoundland, but the other arrived ſafely into the bay of St. John's, from which place the Captain wrote the King a letter : This letter ſerves to exhibit the ſtile of the day ; the familiar reſpect which was paid by the ſubjects to the

* Collection of Voyages, and Ogilby.

† Purchas.

King of Great Britain at that time, as well as the motives to theſe voyages ; I ſhall therefore give the reader a copy of it.

" Pleaſe your honorable grace, to hear of your ſervant, John Rutt, with all his company, here in good health ; thanks be to God, and your grace's ſhip, the Mary of Guilford. And if it pleaſe your honorable grace, we ran our courſe to the northward, till we came into fiftythree degrees : and there we found many great iſlands of ice, and deep water. We found no ſounding ; and then we durſt go no further to the northward, in fear of more ice ; and then we caſt about to the ſouthward, and within four days we had a hundred and fifty fathom : and then we come into fifty-two degrees, and fell in with the main land : and within ten leagues of the main land we met a great iſland of ice, and come hard by her, for it was ſtanding in deep waters ; and ſo we went in with the Cape De Bar, a great harbour, and many ſmall iſlands, and a great freſh river going up far into the main land ; and the main land all wilderneſs and mountains, and woods, and no natural ground, but all moſs, and no people in theſe parts : and in the woods we found the footings of divers great beaſts, but we ſaw none in ten leagues.

" And pleaſe your honorable grace, the Sampſon and we kept company all the way till within two days before we met with all the iſlands of ice. That was the firſt day of July, at night : And there aroſe a great and marvellous ſtorm, and much foul weather.

" I truſt in almighty Jeſu to hear good tidings of her. The third day of Auguſt we entered into a good harbour, called Saint John's.

" And thus Jeſu ſave and keep your grace, and all your honorable race. The

"The third day of Auguſt, written in haſte, 1527, by your ſervant John Rutt."*

It may be obſerved, that the idea of this part of the country having been diſcovered before by Cabot, is agreed to in this letter, by Rutt's ſaying that they arrived at a good haven called *Saint John's*. The object of this voyage, as well as that of Cabot, was to find a paſſage northward to the Eaſt Indies.

A letter, dated "*Apud, St. John's, in terris novis*," the tenth of Auguſt, 1527, was written by Albert Prato; addreſſed to Cardinal Woolſey, and ſent by the ſame conveyance.

The Engliſh ſay that this expedition was made ſeveral years before the French made an attempt of the kind: we ſhall hear what the French have to ſay upon the ſubject in their turn.

In the year 1536, Henry cauſed another expedition to be undertaken to the northern part of America, by Mr. Hoar, Mr. Butts, Mr. Raſtral, Mr. Weeks, Mr. Dawheny, Mr. Wade, and Mr. Joy. Theſe were all men of diſtinction, learning and property. The people who were embarked in this expedition were gratified with the ſight of the continent, but their ſufferings from famine and ſickneſs were ſo great, that the deſcription of it would be very diſagreeable. They muſt inevitably have all periſhed, had it not been for the arrival of a French veſſel, in the bay of St. John's, which their hunger urged them to plunder. It is ſaid that King Henry made amends for this neceſſary theft, out of his privy purſe.†

After

* This letter is taken from a publication in New Jerſey, in the year 1755, and is in the Collection of Voyages, in the College Library.

† Collection of Voyages.

After the death of Henry, the matter of diſcoveries, and the taſte for new kingdoms rather declined; but there were ſome men ſo intereſted in the buſineſs, from the advantages of the fur trade, and the fiſheries, that they continued to ſend veſſels into the ſeas of North America; and procured an act of Parliament, in the reign of Edward VI. for the government of the traffic of Newfoundland. This was the only exertion which was made in that ſhort and feeble reign, reſpecting North America.

When Elizabeth aſcended the throne of England, her genius, urged by her pride and ambition, gave a new turn to the public opinion of that country, and inſpired that people with a ſpirit of emulation, and a diſpoſition to novelty and enterprize, which they had never before poſſeſſed.

Under her orders, another voyage was undertaken to North America, by Sir Humphrey Gilbert. The Queen delivered to him her letters patent, containing a grant of privileges, franchiſes, and immunities, for himſelf, his heirs, and his and their aſſociates, which were very ſingular, and very flattering. He had for himſelf, his heirs and aſſigns, free liberty, and full licenſe, at all times, to diſcover, find, ſearch out, and view, ſuch remote and *heathen* countries, barbarous lands, and territories not actually poſſeſſed by any *Chriſtian Prince* or people, as to him ſhould ſeem good; and to inhabit and remain on the ſame. Yielding one fifth part of the gold and ſilver ore which ſhould be found therein, to her majeſty, her heirs and ſucceſſors.

In conſequence of this charter, Sir Humphrey, in the year 1583, made a voyage to North America, and took

took poſſeſſion of Newfoundland, on the third day of Auguſt, in a very formal and ſolemn manner. There were a great number of veſſels from ſeveral nations in Europe, engaged in the fiſheries on thoſe ſeas at that time: and numbers of people engaged on the ſhores in the fur trade. Sir Humphrey iſſued a general ſummons to all. The people of thirty ſix veſſels preſented themſelves before him, and heard the authority of good Queen Elizabeth, her claim to dominion over the ſea, and over the wilderneſs, over the whales, and over the Savages, promulgated in a ſolemn and awful manner: and they then departed, each one to his own concerns.

Sir Humphrey alſo made grants of ſeveral parcels of territory along the ſhores. When he had done all this, he ſailed ſoutherly, claiming the country as he paſſed along, and making further diſcoveries. The idea of going further north than the former voyagers had gone, ſeems, by this time, to have been given over.

How far Gilbert came to the ſouthward is not aſcertained, but a ſtorm ariſing, he found it very hazardous to continue on an unexplored coaſt, and therefore bore away for Europe. It is very probable that this was the ſtorm of the autumnal equinox for that year: becauſe it was in Auguſt that he erected his government at Newfoundland; and it is probable that he tarried ſome days, to ſee how his new dominion would ſit upon the people. On his way to England, his ſhip grew weak, the ſtorm encreaſed, and he with all his ſhip's company periſhed. There were two other veſſels with him; and on the evening before he was loſt, he appeared on the quarter deck, exhorting the companies in the other veſſels to courage, but could not be prevailed on by them to leave his own ſhip, which then

appeared

appeared to have been more injured than the others. Whether this was becauſe he thought there would be more hazard in making, than in neglecting the attempt, or whether he thought it unmanly and cowardly to leave his company in that danger which he wiſhed to ſhun himſelf, or whether he had a good opinion of his own veſſel, is unknown, but he was no more ſeen.

Queen Elizabeth was by no means diſcouraged by this misfortune, but in the year 1584, made out her letters patent to Sir Walter Raleigh, her particular favourite, and one whoſe inclination to marvellous things prompted him to novelty of enterpriſe, with the ſame powers, privileges, and franchiſes as ſhe had granted to Sir Humphrey Gilbert. Raleigh turned his attention to the ſouthward, and ſettled Virginia. From that time, to the beginning of the next century, the idea of a ſettlement on the northern part of America, was treated as rather impracticable.

The people of Europe, however, continued to viſit the ſea coaſt, for the benefit of the fur trade, and the fiſhery: and thus practically convinced the world that the ſeas might be navigated, and the ſhores inhabited.

The next movement towards a ſettlement in the northern part of the continent by the Engliſh, was in the year 1607. Sir John Gilbert, who was brother to Sir Humphrey, and inherited his eſtate and title, was perſuaded, at a very advanced age, to revive his brother's claim. In purſuance of this idea, he engaged with Sir John Popham, and ſeveral others, to fit out a fleet for the continent. Perhaps a jealouſy ariſing from a Frenchman's having, in the year 1604, been into, and taken poſſeſſion of the river Kenebeck, and the country to the eaſtward of it, under the King of France, urged the Engliſh to revive a claim which had begun to be conſidered as obſolete. Be their motive what it might,

might, they revived the old knight's claim, which he had begun to eſtabliſh under the patent of Queen Elizabeth, and ſent out ſhips to aſſert their title, and to regain the poſſeſſion.

They arrived at the mouth of Sagadahock, on Kenebeck river; where they ſpent a miſerable winter, principally on an iſland ſince called Stage Iſland. Their intention was to begin a colony on the weſt ſide of the river, at what is now called Small Point. Sir John Gilbert died that winter. The ſpirit of colonizing became faint. The encouragement was withdrawn, and the adventurers returned to England the following year.

The ſuffering of this party, and the diſagreeable account which they were obliged to give, in order to excuſe their own conduct, diſcouraged any further attempts by the Engliſh, until the year 1619, and the year 1620, when the firſt ſettlement was made at Plymouth: and even that company intended to have gone as far ſouth as to the Hudſon, but were deceived by their pilot, and brought to Cape Cod.

It may now be neceſſary to turn our attention to the claim of the French, to that part of the Diſtrict of Maine which lies to the eaſt of Kenebeck river.

The Engliſh ſay that the contract made by the kings of Spain and Portugal, to divide the new world between them, was never interrupted or contended againſt, until Henry the VIII. of England, exhibited his claim.

The Abbe Raynal, in his philoſophical and political hiſtory of the Eaſt and Weſt Indies, informs us, that Francis, the King of France, in the year 1523, ſent Vazzarini, a Florentine, on diſcoveries. By him Newfoundland was ſeen, but he made no ſtay there. In the year 1531, James Carthier, a Frenchman, and an experienced

rienced navigator, revived the project of Vazzarini. The Spaniards and Portugueſe, who had a grant from the Pope, conſidered all attempts of this nature, made by other nations, as an invaſion of their rights, and as a vile oppugnation of eccleſiaſtical authority.

To this, the Abbe ſays, that Francis pleaſantly replied, "The King of Spain, and the King of Portugal, are quietly dividing the whole continent of America between them, without allowing me to come in for a ſhare as a brother; I ſhould be very glad to ſee the clauſe in Adam's Will, which makes that continent their inheritance excluſively."

The Abbe ſays that Carthier went further northward than Vazzarini had gone, and made further diſcoveries than had been made before. He continued his voyages for many years under the orders of the King of France; who put in his claim with his brethren, the kings of Europe, and demanded the northern part of the continent as a fief to his crown, by the right of prior diſcovery, and precedency of occupancy, under the appellation of New France.

Carthier went up the river St. Lawrence, then called Hochelaga.* He was there received by an Indian King whoſe name was Donnacana, and his title, Agouhana, with all that pomp of royalty which is ſuited to the ſtate of a Savage chief.

We have no accounts of a further progreſs being made by the French in this buſineſs, until the year 1603. At that time Monſieur De Motte was appointed by Henry IV. of France, governour of Canada. There can be no doubt, but that the French nation had in the apparent interim between the voyages of Carthier

* Collection of Voyages, 8 vol. and Ogilby's Voyages.

thier and De Motte kept up a communication with the northern part of America, had made advantages by the fur trade, and the fiſhery, and perhaps had inſinuated a great number of their people as ſettlers.

Governour De Motte coaſted along the ſea ſhore; and having met with many diſaſters incident to a navigation where there were no charts to direct; and where the ſhoals, banks, and harbours, were unexplored; he arrived in the bay, which has ſince been called Port Royal. From that bay he croſſed over to the main land, into a great river about twenty five leagues weſt from the bay, which they called St. Croix. This name was given to the river, and the country on its banks, becauſe De Motte erected a croſs fifty feet high on his landing. Here they ſet their miners to ſearch for ſilver and gold ore, according to the hopes they had entertained in the adventure.*

When the ſpring returned, the general having grown weary of ſo unpleaſant, long, and inactive a ſeaſon, as he had before paſſed; and intending to carry his diſcoveries and poſſeſſions to a climate more ſimilar to that of his native country, he fitted out a ſmall veſſel for that purpoſe; and ſailing ſouth, found the river of Kenebeck: from which, as it is ſaid, he propoſed, and thought from the accounts he gained from the natives that he had got a nigher path to Canada, than he had found by the bay of Chaleur.†

The Indians, from St John's to Kenebeck, had the general name of the Etechemins.

The next year the Iſland of St. Croix, which was ſituated at the mouth of the river of that name, was abandoned

* Purchas and Ogilby.

† Abbe Raynal.

bandoned by the French, and their capital was removed to the eaſt ſide of the bay of Fundy, and placed at Port Royal. When this was done, and the place fortified, De Motte returned to France, taking with him ſeveral of the natives. His ſucceſs had been ſo great, and was no doubt ſo much magnified by himſelf and his friends, that the public intereſt required his return without delay, to the land of promiſe: and he accordingly returned in 1604, and went to Kenebeck, Pemaquid, Saco, and Wells, * taking poſſeſſion of thoſe places, for, and under the authority, of his maſter.

While De Motte was thus engaged on the ſhores of the Atlantic, the French acquired the poſſeſſion of the country up the St. Lawrence as far as Montreal, where Monſieur Champlain was placed as governour.

The object purſued by the Sovereign, was dominion; gain ſtimulated the ſubject. The King of France made a grant to De Motte, of all the country from the 40th to the 46th degree of northern latidude. This territory had the general name of New France: but the French were interrupted by the Engliſh, who ſettled New England, and by that were prevented extending their ſettlements to the weſt of the river Kenebeck: The French, being thus reſtricted in their ſettlements, the territory which they called New France, or Acadie, withdrew itſelf to the eaſtern banks of the Kenebeck, and the appellation of New England was eſtabliſhed on the weſtern ſhore of that river. Thus by the extreme points of national ſtrength and exertion, a boundary ſeemed to be ſettled, not as the line of peace and concord, but as the place of future controverſies.

All

* Hutchinſon.

All the lands, from the river Kenebeck to the Narraganſett country, being granted to the company called the Council for the Affairs of *New England*, and being reduced to poſſeſſion under the grants of that company, aſſumed that name by common conſent.

The French have preſerved in their hiſtory of diſcoveries a great variety of incidents, which took place while they were in the progreſs of the diſcovery and ſettlement of Acadie; there are however not any which appear to have happened in the Diſtrict of Maine, and therefore there will be no propriety in a recital.

The patentees of the French King made grants of land to the ſettlers, and others; but their records have been carried away, and there has been but one inſtance of a reclaim to title under thoſe grants.

Lewis XIV. iſſued his grant to M. Cadillac for a large tract of land lying on Frenchman's Bay in Acadie, with a large iſland oppoſite to it within the government of New France. It is not certain, whether this grant was made by the king immediately, or whether it was carved out of the grant to DeMotte, by that governour to M. Cadillac.

When DeMotte firſt came to America, there came one Nicholas D'Aubri, a French Eccleſiaſtic of very good family connexions. Nicholas went on ſhore upon the weſt ſide of the bay of Fundy, which at that time had no name appropriated to it, but was conſidered as belonging to the waters of Acadie. Curioſity, which had brought him from Europe, led him into the woods; and the boat from which he had landed left him to his fate.

His

His account of his ſufferings was no doubt very pitiful ; for he remained three weeks in the wilderneſs, wandering from place to place under the moſt terrible apprehenſions, until the boat of the ſame veſſel, by accident found him on the ſhore, and reſtored him to the ſhip's company.* From this accident the waters of the whole bay of Fundy were called Frenchman's Bay.

The bay has a great many iſlands, and in order to know which iſland was granted to Cadillac, it is neceſſary to aſcertain the main land which was granted oppoſite to it ; and in order to find the main land granted, it is neceſſary to find the iſland.

It is ſaid that the heirs of Cadillac, have made ſeveral unſucceſsful attempts to reclaim this grant, againſt the Britiſh government, on the eaſt ſide of the bay, where very probably it was originally intended to be. The inner part of the waters called Frenchman's Bay finally gained the appellation of the Bay of Fundy, and the ancient appellation became appropriated to the weſtern ſide of the waters, and near to Mount Deſert. Madame De Gregoire, who proved herſelf to be a deſcendant of Cadillac, appeared in Maſſachuſetts, in the year 1785 ; and exhibited her claim to the Iſland of Mount Deſert, and to a large tract of land over againſt it, as lying in and on the waters of Frenchman's Bay. The feelings of the general aſſembly of Maſſachuſetts, towards the French nation, were ſuch as to prevent a nice ſcrutiny ; and in 1786 ſhe was confirmed in a great proportion of her claim.

There were, anciently, many French ſettlements on that part of the bay, which is oppoſite to the banks

* Abbe Raynal, and Carthier's Voyages.

banks of Mount Deſert, as well as on the iſland itſelf. The right, ariſing from diſcovery, ſeemed to have been abandoned very early, and that ariſing from pre-occupancy was much relied on among the people on both ſides. But in ſubſequent treaties, the right of prior diſcovery and priority of grants, were contended for between the Sovereigns. In the treaty of Ryſwick, in 1698, the French and Engliſh attempted to ſettle the controverſy, and to eſtabliſh a line between New England and Acadie. That treaty fixed the eaſtern boundary of the Britiſh dominions, at the river St. Croix: but ſtill it remained a queſtion which of two rivers this was. The French contended, that the river now lying on the eaſt ſide of the ſettlement of St. Andrews, called the Makagadawick, was the boundary: but the Engliſh contended for a large and reſpectable ſtream, twenty leagues eaſt of that, and which is now called the St. John's.

The truth was, that when the French landed on the weſt bank of what is now the Bay of Fundy, they erected a croſs on the land, and gave the whole country the name of the *Holy Croſs*. The rivers had no name at that time, but ſuch as were expreſſed in the Indian language, and therefore among the Europeans took the general name of the country, and were all for that time called St. Croix.

Since the treaty of Paris in 1783, the Engliſh have made the river of Schooduck the St. Croix, and thereby have brought it twelve miles on a ſtrait line farther ſouth than the French contended for.

The ſeas of North America were crowded with fiſhing veſſels from Europe in the early days of the country. The fur trade had become lucrative, and in ſome

meaſure compenſated for the diſappointment which the adventurers ſuffered in not finding mines of the precious metals in North, as the Spaniards had in South America. But the permanent wealth ariſing from the fiſhery, from agriculture, and from commerce was very ſoon diſcovered to be of more value, and much ſuperior to that produced by the bowels of Mexico and Peru.

The expectations founded on the advantages of mines of gold and ſilver ore have never failed to produce idleneſs, profligacy, and diſſipation of manners; while commerce, agriculture, and the fiſheries neceſſarily urge the people to induſtry, frugality, prudence, and economy: and have a direct tendency to render man an active, virtuous and reſpectable creature. It is concluded, with great ſtrength of reaſoning, that if the earth ſhould yield a ſpontaneous ſupport for its rational inhabitants, they would not be ſo happy as they now are: yet they go on complaining of the toil, labour, and anxiety, to which their lot expoſes them.

The world, in all ages, has been filled with the groans and complaints of mankind. The great object ſuppoſed to be purſued, is a ſtate of eaſe and leiſure; and all their labours are directed to it: but it ſo happens, that when the point is ſo far gained, as that there is property enough accumulated for the accompliſhment of the end in view, the poſſeſſor has encreaſed his views, enlarged the meaſure of his taſte, or become ſo habitually anxious in regard to his poſſeſſions, that he finds himſelf at a vaſt diſtance farther from a ſtate of eaſe and quiet, than he was when he firſt began his career: this he confeſſes as a ſolemn warning to the riſing generation, but they purſue his track, go through his ſufferings, and end their lives like their anceſtor, with

ſaying,

ſaying, all is vanity and vexation of ſpirit. This propenſity to enjoy an excluſive right to external things, has, however, its proper uſe in the government of the world, and is well ſuited to the conſtitution of human nature: It collects the paſſions and inclinations to a certain point, and directs the exertions of man to thoſe things which have a tendency not only to prevent evils, but to encreaſe the public felicity. While civil ſocieties ought to encourage this propenſity, and to preſerve its vigour, there never can be a dangerous conſequence reſulting from it, if the laws are wiſely made, and equally and inflexibly adminiſtered.

We may conclude, that the advantages of the northern part of the continent, exciting to induſtry and toil, are much ſuperior to thoſe in the ſouth, where wealth is expected, without the toil and labour of the proprietor.

But we are under no kind of neceſſity to depend upon abſtract reaſoning, for the proof of the comparative excellency of our part of America: the increaſe of population, the flouriſhing ſtate of the arts, our immenſe quantity of commerce, the refinement of ſentiment, and the wiſdom of our civil inſtitutions, all appear as witneſſes in its favour.

The diſcovery of the river of Piſcatawa, by Captain Smith, in the year 1614, fixed the people in England to a determination to make a ſettlement on that river.

Gorges and Maſon, being both active members of the Council for the Affairs of New England, purſued this deſign with unabating ardour, until they had accompliſhed it.

CHAPTER

CHAPTER IV.

On the Motives and Views of the First Adventurers.

HOW the Princes of Europe could poſſeſs a right to grant the lands on the continent of America, is a queſtion which can never be anſwered in ſuch a manner as to juſtify the proceedings that have taken place under their authority. The continent, when the Europeans found it, was in the quiet poſſeſſion of a part of the human race. Though this was but a rude occupancy, by no means tending to the encreaſe of mankind, the encouragement of the arts, or the promotion of the ſciences, and might place the country on a footing with an uninhabited waſte, yet the ſovereigns of Europe had, as ſuch, nothing to do with it. To quiet the feelings of conſcience, and to preſerve the appearance of juſtice, there was a neceſſity of raiſing a falſe ſyſtem of morals, pretendedly on divine revelation. Nothing could be better fitted for this purpoſe, than a claim founded in an authority infallible in itſelf, becauſe it came from the voice of inſpiration.

In that age of the world the Biſhop of Rome was conſidered by Europe as the Vicegerent of Chriſt, as poſſeſſed of infallible wiſdom and conſequently uncontrolable authority. He caſt down kings, and diſpoſed of empires; led the princes in fetters, and brought the mighty ſovereigns to the foot of his ſacred throne. We now ſtand aſtoniſhed at this piece of hiſtory; but when we reflect that public opinion is the moſt forcible of all human laws, and that the Church had been

for

for three or four centuries the engine or inſtrument of the ſtate, we cannot wonder that ſhe had gained ſuch an aſcendency on the mind of a fanatic age, as to take her turn to rule.

The Pope was the ſupreme infallible head of the Church. The Bible was his charter of authority, and the cardinals and leſſer officers under them, were united with him in the ſame point of intereſt. The heathen nations were driven out of old before the Jewiſh Church, and the ſame land given again to the heathen, when the choſen people in rebellion reſtored the temples of idolatry. In the prophetical language of ſcripture the Meſſiah had the promiſe of the heathen for his inheritance, and the uttermoſt ends of the earth for his poſſeſſion.

Under impreſſions of this kind, it was an eaſy matter for a covetous chriſtian, or even an ambitious infidel, to perſuade himſelf that the time had arrived, when theſe glorious promiſes were to be fulfilled. The adventurers to America had found the uttermoſt ends of the earth; and had diſcovered the heathen nations, who ought either to ſubmit to the dogmas of the holy infallible church, or to an extirpation by the ſword.

However odious this repreſentation may appear at this day, yet there is too much evidence that ſome of the Europeans acted under ſuch impreſſions, to admit of a conteſt on the ſubject. But perhaps philoſophy, and the natural rights of man, may aſſign for the migration to America, a motive more honourable to the characters of the firſt adventurers, and as well ſupported by evidence, as the one already mentioned. The ſtile of the day, in which the country was peopled by Europeans, had like others its peculiarities; and

although there were among the firſt adventurers, men, who with a degree of oſtentation, unbecoming a chriſtian character, profeſſed to be under the influence of religious principles as dictated by divine revelation, in whatever they did, and to claim a right under the precepts of religion to the ſoil which they came to inhabit; yet there was a mixture of philoſophy and good policy in their proceedings.

To engage the public attention, while an attempt ſhall be made to exhibit other motives for the extraordinary exertions of our anceſtors, and to aſſign other cauſes than thoſe of puritaniſm and bigotry,* for the wonderful effects which overflow our country with peace, wealth, and liberty, it will be neceſſary to conſider the characters of the adventurers, and the manners of the people who were found in the poſſeſſion of America.

For the ſpace of ſix hundred years, from the commencement of the fourth century, Europe was agitated with wars, invaſions, and all thoſe diſtreſſes which are incident to the conqueſts of nations. The idea of a balance of power in Europe is very recent; and there was in thoſe times, ſomething neceſſary, but which could not be found, to give that centre to the public opinion, which would fix the baſis of peace and tranquillity. At length Chriſtianity extended the ſpirit of peace to all thoſe nations, and united them in one general idea of religion. The avaricious and ambitious members of the communities, were by this deprived of their moſt forcible arguments in favour of war againſt the neighbouring nations. There could be no longer a cry for appeaſing the *manes* of their anceſtors, by ſhedding

* Joſſelyn and Governour Hutchinſon have counted too much on religious prejudices.

ſhedding the blood of the human race, or a pretence of regaining or defending the temples of their gods.

The mortal, and diſgraceful controverſies which were ſupported between the Arians and Trinitarians, when conſidered as a controverſy reſpecting the doctrinal principles of a religion, which breathes only peace and good will to the world, appear as an unaccountable phrenzy; or rather a diſgraceful hypocriſy; under the ſanguinary banners of which, the men of ambition led the credulous multitude to acts of cruelty highly diſhonourable to that religion, which both ſides, with equal confidence, pretended to ſupport.

Whether the Roman Chriſtian religion breathes ſlaughter and cruelty to unbelievers or not, yet one thing is certain, that where neighbouring nations had been united in their forms of worſhip and religious ſentiments, they always had leſs wars between them and more humanity towards each other than there would have otherwiſe been. When there were no ſtanding armies, ready at the call of a ſovereign to invade nations whom he choſe to conquer or ſcourge, it was very difficult to produce a motive ſufficient to unite the body of the people in a hazardous and expenſive enterprize.

Had the nations of Europe continued to this day, united under the Biſhop of Rome, and ſubmiſſive to the tenets of the infallible Church, their part of the world would have exhibited an appearance very different from what it now does. The preſs could not have gained any degree of freedom, the mind of man could not have been expanded by thoſe noble and laudable inveſtigations, thoſe bold conjectures, and thoſe manly purſuits,

purſuits, which have raiſed him at our day ſo far above what he ever before has been. Therefore, while we lament the wars and diſtreſſes, which have been the conſequences of religious diſſenſions, yet we may, without bluſhing, acknowledge the advantages that have flowed from this ſource of human calamity.

The mind of a nation ſeems to be well repreſented by the ocean, which is forever in motion and tumult, with but ſhort intervals of calmneſs, and yet always, by the nature of its ſpecific weight, tending to a ſtate of quiet.

When from the conqueſts made by the northern nations, their expulſion again by the natives of the countries they had ſubdued, the uniting of petty ſtates, the conſolidation of ſeparate tribes into empires, the union of contending members under the ſame ſovereign power, the overthrow of the Roman Empire, and the general opinion againſt, and leagues and treaties to prevent future conqueſts in Chriſtendom, Europe began to realize the advantages reſulting from a balance of power, that part of the world began to reſt. There was then no common enemy againſt whom the nations could unitedly unſheath the ſword of war. The petty controverſies between great men there, reſpecting the right to exerciſe the ſovereignty of their nations, is a ſubject which has no connexion with this hiſtory.

The eleventh century preſented an object, which the princes of Europe thought worthy of their attention. To gain the poſſeſſion of the holy ſepulchre would be an achievement, which would reflect the moſt laſting honours upon the united powers of all Europe.

The toil and expenſe, the waſte of men, for the long ſpace of time through which this controverſy was carried, are unneceſſary to be dwelt upon. The cruſade againſt the city of Conſtantine was equally unſucceſsful.

In the ſixteenth century the people were again divided in their ſentiments of religion, which gave the monarchs an opportunity to revive the old idea of a national or ſtate religion, and which in the European kingdoms was at length reinſtated in its former force and efficacy. The lines were drawn; and each form of worſhip in the chriſtian religion was evinced as the true one by a cloud of witneſſes; who, under the extreme tortures of the rack, and the flames, gave teſtimony to its truth and evangelical purity: yet all agreed that the unbelieving world were the common enemy: This was the only point in which they were entirely united at that time.

But as the mind of man is naturally turned for enterprize, there was wanting in that day ſome incitement ſuited to the taſte of the age. The art of printing, which may be conſidered as a mode of converſation in the great circle of the world, had then lately been introduced. Whether this invention encouraged and rendered more general the art of writing or not, we know, that it was little practiſed in Europe before, and that it was never known in Ruſſia until the fifteenth century. The uſe of the mariner's compaſs, the great conductor of foreign voyages, and the ſure director of diſtant commerce, was then but a late diſcovery.

The Europeans of that age were ſunk by a civil derogation of human nature, and acted from the force of habits reſulting from the feudal ſyſtem. There

were

were few perſons beſides thoſe who were claſſed in two grades of ſubjects, the lord and the vaſſal, or the maſter and the ſlave.

Commerce was but little known, the arts not much practiſed, and the ſciences but little attended to. Though the cruſades were over, yet there were a vaſt number of idle men ſupported by the labour of the multitude, who were, from having nothing to employ themſelves upon, naturally excited to adventurous deeds, and hazardous enterpriſes. The age of chivalry was not over; and the religion of the day raiſed the imagination to delight in whatever was marvellous. Though the wars, civil and foreign, had prevented the kingdoms from being filled with inhabitants; yet, in the then imperfect ſtate of agriculture, the yieldings of the ſoil were not commenſurate with the wants of the people. Thus ſituated, there ſeemed to be a neceſſity for Europe to find a place where her ſupernumerary inhabitants could be caſt. They had no expectation of diſcovering a country, where they eventually found this; but they hoped for conqueſt in Africa, and for commerce with India.

There was finally another ſtimulus for the Engliſh and French to this kind of adventure. The Pope had granted an excluſive right of new diſcovered countries to the kings of Spain and Portugal; theſe princes were much devoted to the See of Rome. Francis, the French king, and Henry VIII. of England, were not ſo much under the Pope's influence. The latter had ſet his authority at defiance, and the former had treated it with neglect. Theſe princes could not view with a tranquil eye, the diviſion of one quarter of the globe, in a manner which excluded them from a ſhare in it; they therefore made grants, at an early date, to ſuch of

their

their ſubjects as would undertake the labour and expenſe of diſcovering and poſſeſſing new countries uninhabited by civilized nations. The king of England was further urged in this enterprize, by an idea that, as he had claimed the office of infallible head of the church in his own empire, and denied the greatneſs and authority of the ſee of Rome, if he ſuffered the Pope to grant away one quarter part, or perhaps, including Africa with America, one half of the terraqueous globe, the fanatic age in which he reigned might make compariſons very unfavourable to his power and influence. The ſubjects of theſe princes were urged by others, but by as cogent motives as thoſe which governed their maſters. The *precious metals*, before the diſcovery of South America, were far from being plenty: thoſe indeed were acknowledged as the moſt ſuitable repreſentative of property, and the moſt manageable medium of commerce. Money has been leſs underſtood than any other ſubject which claims the public attention: the philoſopher has conſidered it as a ſubject beneath his attention, and the men of the world regard only the uſe, and the current comparative value of it. The people in Europe, at that time, were very far from calculating, that as the quantity of the precious metals ſhould be augmented, their value, as compared with labour, the ſtandard of the value of all property, would be leſſened. They believed that the bowels of all America were gold and ſilver, and that the encreaſe of their wealth would be commenſurate with the quantity of gold and ſilver which they ſhould produce to the light. From expectations of this nature aroſe thoſe reſervations to the crown in the ancient deeds and charters, wherein one fifth part of the mines of gold

and

and ſilver, which might be diſcovered,* was to be to the grantors. The French, on their taking poſſeſſion of Acadia in the year 1604, in conſequence of their ardent expectation of diſcovering riches in the earth, imagined that a very high rock, "between the two bays of the ſea, with curious ſmall ſtones growing in it glittering like diamonds, and appearing very curious to the eye, were of ineſtimable value." Some of theſe were carried to France, and, for a time, received as a very valuable acquiſition. The Engliſh had as high a reliſh for the precious metals as the Frenchmen or the Spaniards. There were other incitements to the purſuit of American poſſeſſions. The fur trade with the natives had become very lucrative, and the abundance of fiſh on the coaſt invited the voyagers to return again. But above all, the idea of extent of territory, of ſhires, and manors, invited the great, to urge the ſmall, to become adventurers, under the hopes of having a better life of vaſſalage in America, than they could obtain in Europe. The ideas of liberty of conſcience, and the enjoyment of a particular form of devotion, had no influence on the firſt adventurers to America; though ſuch motives afterwards had a ſhare in the ſettlement of the Diſtrict of Maine. How far the firſt ſettlers of Maſſachuſets, and of the Colony of New Plymouth, acted under a ſenſe of the neceſſity and propriety of religious liberty, has been fully conſidered by others, and is very foreign to the buſineſs in hand. There were a great number of chriſtians, called Puritans, in the Diſtrict of Maine, at an early period: and John Joſſelyn, in his voyages, conſiders the ſubmiſſion of the people there

* Ogilby's voyages, where he treats of the diſcovery of Newfoundland, New England, &c.—*Belknap's Collection.*

there to the Maſſachuſetts government as reſulting from that cauſe.

The character of John Maſon has but little connexion with the hiſtory of the Diſtrict: becauſe he was very ſoon ſeparated from it by a partition of the firſt charter, made to him and Sir Ferdinando Gorges, jointly. In the year 1639, Gorges obtained a grant from Charles I. of the whole Province of Maine: and as this grant is to be conſidered as the origin of the weſtern part of the Diſtrict, the character of Sir Ferdinando may be connected with the hiſtory of it.

Sir Ferdinando Gorges was born at Aſhton Phillips, in the county of Somerſet, in the kingdom of Great Britain, in the year 1573, of an ancient, but not opulent family. He had been an officer in the navy, and governour of Plymouth in England, and was no doubt urged by the poverty of his ſituation as compared with others of his rank, to undertake ſome adventure that might encreaſe his rent roll: his expectations were very great from the American adventure but all his hopes were diſappointed, and he finally complained of having ſpent twenty thouſand pounds ſterling money, and of having reaped only toil, vexation, and diſappointment.

The people who came to the other New England colonies had views very oppoſite to thoſe which inſpired Gorges and Maſon. The latter were after manors and provinces; purſuing a ſyſtem nearly allied to the feudal principles which had prevailed in Europe, and expected to enjoy the profits at their eaſe without croſſing the Atlantic; but the former wiſhed to get out of the reach of arbitrary power, and delighted in equality of civil and religious privileges. Gorges and Maſon were devoted to epiſcopacy, and forwarded ſettlers

who

who would promote their views, but the others hated the hierarchy of the church. The colonies, thus divided in ſentiment, very ſoon became unfriendly to each other; and the popular principles held by Maſſachuſetts, were too inviting to the adventurers to allow their caſtern neighbours to encreaſe in numbers. The diſorderly and bad part of the people, found an aſylum in the Province of Maine, and while this encreaſed the number of inhabitants, it rendered the country diſorderly and tumultuous. Thus ſituated, Gorges and Maſon united in an unſucceſsful attempt to obtain a general government over the New England planters.

The reign of Charles I. afforded a favourable criſis for an eſtabliſhment of ſuch a government. Charles hated the republicans, and well knowing that the New England colonies were filled with them, he had conſidered the extenſive grants of his predeceſſors, to the Council for the Affairs of New England, as dangerous to the royal prerogatives, and oppoſed to the meaſures he had adopted. Gorges was a firm royaliſt, and conſequently had ſome ſhare of influence with his prince: the general government was granted, but the ſituation of the king ſoon became ſuch as demanded all his care and attention to his own ſafety. Gorges adhered to him, through all his troubles, ruined his own fortune, and died before the reſtoration. The colonies of Maſſachuſetts, New Plymouth, Rhode Iſland, and Connecticut, formed a Congreſs of commiſſioners in the year 1642, for the oſtenſible purpoſe of guarding themſelves againſt the Dutch, who had taken poſſeſſion of the territory on the ſouth of them; and as under apprehenſion, that hoſtilities might be commenced by the Narraganſett Indians; but, perhaps, a union in an

oppoſition

oppoſition to the general government propoſed, had as much weight in their minds, as the danger they apprehended either from the Dutch, or the Savages. The records of the commiſſioners' proceedings are in the town of Plymouth ; and appear to be continued in regard to this union from 1642 to 1652. The death of Charles, in 1648, and the eſtabliſhment of a pretended republican government, though both could not take away the danger ariſing from the Dutch, or from the Narraganſett Savages, yet theſe were ſufficient grounds for ſuffering the exerciſe of the united exertions of the colonies by their commiſſioners to be neglected.

Sir Ferdinando was a man of great ambition, very avaricious, and very deſpotic. He was impatient under diſappointments ; and was never conſidered as a man of integrity. The flexibility of his meaſures may be imputed perhaps to the inſtability of the times, and the hazardous ſituation of the government under which he lived : he adhered to Charles, and the royal ſide of the civil war, until his ruin was involved in that of the cauſe to which he had devoted himſelf.

The death of Charles, was the temporary death of Gorges' patent, and though it was in ſome meaſure revived under Charles II. yet it languiſhed until the colony of Maſſachuſetts purchaſed the territory. The exerciſe of the government there, in ſtile of a colony or province of Maſſachuſetts, was very inefficient and troubleſome. From the tenor of Gorges' patent, and the ancient papers and grants founded upon it, we may diſcover the intention of the adventurers under him. Giving theſe papers a place in this hiſtory, will be conſiſtent with the plan of it, and will preſerve the evidence of important tranſactions

after the records which now hold the evidence ſhall be loſt. The paper, on which ſome of theſe are recorded, is now ſo much decayed, and the ſtrength of the ink ſo far exhauſted, that the writing is ſcarcely legible. A few years more will take the letters out of the reach of the eye, and turn the enquirer over to the hiſtorian for information.

The firſt adventurers to South America could have had no idea of finding a country filled with the precious metals. Columbus was in ſearch of a new track to the Eaſt Indies, thoſe round the Capes being then not diſcovered. As ſoon as the mines of Mexico and Peru were opened, the Europeans changed their taſte for chivalry and conqueſts, to a moſt violent propenſity for the obtaining of wealth by fortuitous events: and, therefore, the firſt adventurers to the northern part of the continent, paid their attention principally to that object. The Savages in North America, by their natural ſagacity, diſcovered the leading paſſion of their viſitors, and encouraged the fruitleſs purſuit, by informing them of mountains of ore which never exiſted, and of riches in the interior parts of the country which have never yet been found. The White Mountains, which are placed north north weſt from Caſco Bay, have a ſingular appearance when viewed at a diſtance; their tops are white like ſnow. There was an early expectation of finding a gem, of immenſe ſize and value, on this mountain: it was conjectured, and it is yet believed by ſome, that a carbuncle is ſuſpended from a rock, over a pond of water there. While many in the early day of the country's ſettlement believed this report, each one was afraid that his neighbour ſhould become the fortunate

proprietor

proprietor of the prize, by right of prior poſſeſſion. To prevent this, credit was given to the tale of the natives, that the place was guarded by an evil ſpirit, who troubled the waters, and raiſed a dark miſt, on the approach of human footſteps : this idea was neceſſary to thoſe of avaricious credulity, who had attempted in vain to obtain the prize, and were in hopes of a more fortunate adventure.

There was another tradition, that three hills of rocks, were ſituate up Saco River, about forty miles from the ſea, as full of ſilver as the mountains of Peru : fully perſuaded of this, William Phillips, of Saco, purchaſed theſe mountains of Captain Sunday, a Sachem, in the year 1660 ; but he, or his poſterity, have never been able to poſſeſs the expected wealth from thoſe hills.

Under an impreſſion, ſo very unfavourable to the intereſt of ſociety, as well as ſubverſive of the quiet of individuals, but at the ſame time ſo much cheriſhed by many, the people in New England continued, and received from an accident a deeper influence. A Spaniſh galleon had been loſt near the Bahama Iſlands. The veſſel had a great quantity of bullion on board, and the expectations of a vaſt number of the people in France, Spain, England and America were fixed upon obtaining ſo great a treaſure from a fortunate diſcovery of it. William Phips, who was born on a peninſula on Monſeag Bay, and within the town of Woolwich, was a man of great induſtry, enterprize and firmneſs : like Julius Cæſar, he knew how to diſtinguiſh difficulties from impoſſibilities : the former he was ready to encounter on proper motives ; the latter, he had too much underſtanding to attempt. In his day there was a very extraordinary deluſion abroad in the world ;

viſions, dreams, witchcrafts, and familiar ſpirits, were every where talked of: and the good man, who had a dream, which turned out to be true, or which as the phraſe then was, came to paſs, was conſidered as a prophet, and the ſecret of the Lord was with him. This temper and ſpirit, whatever was the real cauſe, raged generally at that day through Europe and America. Many innocent perſons fell as victims to the deluſion, under an accuſation of their having entered into ſpecial covenants with the devil, and having derived miraculous power from him. This horrid conſequence of the dementia, did not extend to the Province of Maine, or to the territory of Acadie: the people proſecuted, fled into thoſe places from the ſword of deſtruction. Mr. Phips had removed from Sheepſcott to Boſton, where he engaged in the buſineſs of ſhip building. It was reported, that he had dreamed where the galleon was laid. Whether his extraordinary ſpirit of enterprize, led him to undertake the ſearch of the wreck, and taking advantage of the deluſive ſpirit of the times, he pretended to the favour of a viſion which he never had, in order to procure aſſiſtance in an undertaking which a rational calculation might not render worthy of the hazard attending it; or whether having placed his imagination upon the ſcheme, his mind embraced the object in an agreeable manner, when he was aſleep, or whether there was a divine ſpecial influence in his favour, is not yet decided. It is very certain, that his ſucceſs in the buſineſs, was an event which raiſed him to ſingular honours, and to great uſefulneſs in his day. He was afterwards governour of Maſſachuſetts, by the royal authority, under the new charter of 1692, and had the dignity of knighthood conferred upon him.

In

In the early day of civilized America, the ſhips of Europe did not cover the ocean, and control every floating thing, as has ſince been done : nor could the maritime powers extend a corrective hand to the American ſeas, ſo as effectually to prevent piracies : and the infant governments here, were too feeble, ſeparately conſidered, and too much divided among themſelves, to unite in raiſing a force ſufficient to prevent the robberies, which diſtreſſed the coaſts. But neceſſity will finally give force to every thing within the power of human exertion. Thoſe rovers were at length ſubdued, and ſome of them executed : ſome of them, previous to their execution, flattered the perſons to whom they had acceſs, with the idea of great wealth being hid by the pirates on the ſea ſhore, and at places remote from the ſea. Theſe confeſſions were made under the deluſive hope of obtaining pardons ; but the money has never been found. The temper of the times was ſuch, that the public mind would not bear a debate on the greateſt abſurdity, or a contradiction of the moſt palpable error, without the danger of contentions or commotions : perhaps it was owing to this, that Sir William Phips never diſclaimed the idea of a ſpecial divine interpoſition in his favour. He was liberal for the time in which he lived. This was evinced, by the methods which were taken by himſelf and his wife to ſave from deſtruction ſome of the diſtreſſed people, who were under the ſentence of death for witchcraft. It was neceſſary, in the ſyſtem adopted by the Romiſh church, to eſtabliſh a power incomprehenſible to human reaſon, and too ſacred for rational inveſtigation. The alliance between the throne and the altar was well formed by Conſtantine. The advantage

which the latter might derive from a close connexion with the former was well understood by him. Though the realm of England had been severed from the power of the Pontiff by Henry VIII. yet the mysteries of the Church continued in a great degree. All governments which have attempted it, have found it to be an arduous undertaking to alter the habits of the body of the people: and in a country where there is any share of freedom, there is no way to do it, but the slow process of persuasive reasoning, and the temptations of interest and emolument.

The controversies between the Protestants and Catholics were warm, because religion had only an ostensible concern in it, whilst the politics of the country were the origin and support of the contest. As the quarrel of the Dissenters and the Episcopalians had but little to do with religion, the church of England must have sunk, if there had not been an earthly, powerful, and infallible head to give it support. Without secular authority to punish for gross infidelity, the church would soon be robbed of the attribute of infallibility in divine things. The sovereign of the empire had the most secular authority, and was therefore the most suitable head for the church. The religion of the Dissenters was tinctured with the principles of republicanism, which led to equality in matters as well civil as ecclesiastic; and therefore naturally opposed itself to monarchs, prelates, and every species of dignitaries. The first settlers of New England were Dissenters, but had no more enthusiasm in this country, than they left with their brethren in Europe. Sir Ferdinando Gorges was as warm in the cause of the national church, as he was in that of royalty; and the

adventurers

adventurers who came out to his province were of his ſentiment in both: but they ſoon began to waver, when they got into the neighbourhood of the other New England colonies. There never was any thing like perſecution in the Diſtrict of Maine, nor was there much pains taken, in the firſt ſettlement of it, to eſtabliſh a regular ſupport for the clergy: the want of this was a great injury to the people, for experience fully advocates the point, that without a regular fixed mode of eſtabliſhing teachers of piety, religion, and morality, a country can never be made virtuous and happy.

There is a great degree of evidence in favour of religion, reſulting from the certainty that all nations have found the profeſſion and practice of it neceſſary to their peace and proſperity. That which tends, obviouſly, to render man happy here, and to ſecure his happineſs hereafter, muſt emanate from the tender Parent of all beings, and muſt be right. If the firſt ſettlers of New England, erred through a zeal upon this idea, we cannot but applaud their motive, if we cenſure their conduct.

The characters of ſeveral individuals, who were of note among the firſt planters in the Diſtrict of Maine, ſhall be hereafter given, in a place more proper than this.

CHAPTER

CHAPTER V.

Of the Manners of the Natives.

MANY conjectures have been publiſhed, reſpecting the origin of the Americans: but when the curious inquirer has purſued this long beaten track, through the wide field of ingenious conjecture, until the chace is ended, he ſits down amuſed, and perhaps delighted, but by no means ſatisfied with any one hypotheſis.

That the extreme northern parts of Europe, contains a race of men, living in the moſt ſavage ſtate of barbarity, dwelling in dens and caves under the earth's ſurface, and reſembling in their appearance, and in their manners, the Eſquimaux and the Greenlanders of America is well known; but whether the anceſtors of thoſe on our continent migrated from the other, or whether the anceſtors of the Finlanders and Laplanders, ferried themſelves over the icy ocean, from the frozen coaſts of America, to find a more comfortable climate in the ſame degree of northern latitude in Europe, is not yet decided; nor is it yet ſettled whether the native Americans were a race of men who never had the remoteſt connexion with the Europeans.

There is a great degree of ſimilarity between the original inhabitants in every part of our continent. The men appear as having no beard. Some writers ſay that nature would furniſh the Savage as liberally with this mark of virility, as ſhe does the European,

but

but that there is a uniform reſiſtance to her operations in this point.*

It is very extraordinary that this ſubject ſhould be open to controverſy at this date. The evidence however is in favour of the natural diſtinction; for the ſavages are ſeen at all times, and in every part of the continent without a beard. That they pluck it out by the roots depends upon the teſtimony of men, who ſpeak rather from conjecture than from facts under their own obſervation. To oppoſe theſe, there are circumſtances which are very ſtrong indeed. The writers reſpecting the Indians in the ſouth, ſay that the ſick and the aged are neglected; but no one deſcribes an aged or ſick man with a long beard; nor has there ever been found in the furniture of a ſavage's camp, an inſtrument adapted to the uſe of plucking out the beard.

The men are deſcribed as having a contempt for the other ſex, and as quite inſenſible to the charms of female beauty. Where the excellency of the perſon lies in bodily ſtrength, agility, and proweſs, the deficiency of the female in theſe endowments muſt place her in a contemptible point of view. It requires a great degree of refinement in the manners of a nation to give the fair ſex their rank, and to raiſe them to a proper pitch of eſtimation.

In ſome parts of America the women are enured to toil equally with the men; in others the huſbands feel themſelves proudly raiſed above the drudgery of hard labour, and lay the whole burden on their wives.

One cuſtom generally prevails; the women nurſe their children until they are ſix or ſeven years old. The men are averſe to having a numerous iſſue. The

Abbe

* Robinſon, Carver, and Joſſylen.

Abbe Raynal apologizes for this apparent defect, by ſaying that the ſupport of animal life, by proper nouriſhment, is the firſt, and the loudeſt call of nature; and that men depending upon the precarious proviſion of the chace, have but little time and leſs inclination for the ſoft ſcenes of dalliance. Nor can they have ſtrong wiſhes for the multiplication of their ſpecies, where the means of maintaining life are ſcanty and depend upon fortuitous events.

No traces of the European arts have been found in North America. There appears to have been ſome approximation to the arts in the South. The firſt adventurers to South America, found the ſavages as having made ſome beginnings towards the art of painting, of drawing pictures, and of making images as well as in that of architecture. The dawnings of civilization were diſcovered by a fixed form of ſocial worſhip; and though the mind of the traveller was ſhocked at the idea of human ſacrifices, yet there was a kind of apology contained in the recollection that this practice had formerly prevailed in countries more civilized. Much labour had been ſpent on roads and bridges by way of public expenſe in South America; but nothing of that kind was to be found to the northward of the *Miſſiſippi*. Fortifications, and towns walled for defence, were found in New Spain, but there was no appearance of a regular fortification north of the Cheſapeak.

The dreſs of the Mexicans and Peruvians were very ſlight; none of them had garments as a defence againſt the weather; but they delighted in the rude ornaments ſuited to a ſavage pride. In the northern parts of the continent, the rigid winters urged the inhabitants to

fortify

fortify themſelves with the ſkins of the wild beaſts, againſt the froſt of the climate.

The remains of regular fortifications are now ſeen on the banks of the Ohio, and large ſepulchral piles or mounds are exiſting in that country; but who raiſed theſe, or whence came the numerous hordes which have been gathered there to ſepulchral honours, is and ever will be unknown. If the licenſe of a conjecture might be indulged, I would inquire, whether the wars of the northern againſt the ſouthern nations, might not make the banks of the Miſſiſippi, and of the rivers which pay tribute to it, the ancient theatres of bloody conteſts? In that part of America, the remains of ſuch fortifications are found as were at firſt diſcovered in South America; theſe muſt have been raiſed by the people of Mexico and Peru, becauſe the northern nations never poſſeſſed the art. Had the northern Indians been capable of ſuch means of defence, the remains of their forts at leaſt, would have been ſeen. The northern people of all nations, have been found to poſſeſs more ſtrength of body, than thoſe of the ſouth; and from that circumſtance, or from envy, becauſe the ſouthern people have excelled them in ſkill, there have been perpetual conflicts; and why is it improbable that the northern Indians, like the Goths and Vandals, overran a great part of the continent, and drove the ſouthern tribes from their line of forts on the Miſſiſippi, and raiſed the piles for their dead, which are now found in that part of the country.*

When the country of Louiſiana, lying between the Miſſiſippi and the Gulph of Florida, was diſcovered, it was

* General Parſons' communication to the American Acadamy, and Doctor Cutler's account of his travels on the Ohio.

was found to be inhabited by numerous ſmall tribes of Indians, independent of, and perpetually at war with each other: theſe are the common effects of a diſſolution of government, and are generally found in a ſpace where contending powers have alternately uſurped a dominion over the wretched inhabitants. The French adventurers to that part of the continent deſcribe the people found there, as the remaining crumbs of a broken and diſperſed nation.*

The original inhabitants of Spaniſh America, as well as thoſe in Louiſiana, and on the Cheſapeak, were not ſo ſtrong and robuſt as thoſe found in New England and Canada. On the ſame degree of latitude ſouth of the equator, the people were found to be more vigorous and ſtrong than they were nearer the line. The northern latitudes, from forty to forty ſix degrees, produced men in a much higher ſtate of perfection than the natives either more northerly, or nearer the equator.

The Savages found in Canada were in no way different in their manners, in their ſize, or in their habits and cuſtoms, from thoſe on the ſea ſhore of New England. They were tall, ſtrait and nervous; their muſcles ſtrong, and their eyes ſmall and piercing. They had great agility of body, and were as remarkable for a kind of ſavage cunning, as for any thing elſe.

The eaſy way of communication through the rivers and lakes, between the Atlantic and the borders of Canada, rendered the Savages, inhabiting both, more like one nation, than they were in the ſame width of circle any where elſe.

On

* Voltaire, and Abbe Raynal.

On the north part of the continent, in what is now called Greenland, the natives are deſcribed as not being more than four feet in height. Their heads are large, and out of proportion to their bodies; and their hands and feet are exceedingly ſmall.*

The people of the Eſquimaux ſeem to be under the ſame ſentence of degradation: their ſize is nearly the ſame with the Greenlanders; their faces are flat, their noſe ſmall, and their manner of life more wild and ſavage. The Eſquimaux depend altogether on the bounties of the tide for their ſubſiſtence.

The Greenlanders and Eſquimaux are both alike intrepid and active in their attacks on the whale, on the ſea dog, and on other animals inhabiting the waters of their coaſts; but the whale frequently gives many of them at once, with the ſtroke of his tail, to the multitude, which under his monſtrous ſhadow ſeek their food among the fragments of his board. Theſe people have no incentive to a regular courſe of exertion of their natural powers: a deſire to ſatisfy the immediate calls of animal nature, without any provident attention to futurity, is their only aim. No keen ambition fires their breaſts, urging them to conqueſt and dominion; or prompts them to the deſtruction of their own ſpecies. Perhaps the preſence of a favourite female may urge the enamoured Eſquimaux to feats of valorous activity againſt a ſea dog; but as the paſſion of love is ſeldom raiſed in their boſoms, their ſouls are dull as their winter nights; and we have no reaſon to believe them to be capable of a lively ſtroke of fancy, or of one ray of brilliant imagination.

I have

* Buffon.

I have ſaid that there is a great degree of ſimilarity among all the people found in the new world. This is in general true. The people of South America are not ſo black as thoſe who are in Canada, The former are of a reddiſh brown colour, but the latter are as black as the lighter coloured Africans, and have but a very little of the red mixed in their countenance.

The Savages of North America poſſeſs ſome habits very much in common with thoſe of the ſouthern part of the continent. Their governments were nearly the ſame, excepting that the ſouthern Indians had empires, ſeparate in their dominions, each acknowledging one independent ſovereign. The other parts of the continent were under the weak and inefficient dominion of petty princes, or ſachems, to whoſe government very little reſpect was paid.

The appearance of the men in each part of the continent, as to ſhape and ſize, was ſimilar, excepting what has been obſerved, that in the mid way between the equator and the higheſt degrees of northern and ſouthern latitude, there might be obſerved a higher degree of perfection in the human frame than was to be ſeen nearer to the line. In South America, there were tribes or families of Indians of a complexion which was never ſeen among the northern nations. A pale aſhy colour was there conſidered as a mark of degradation fixed on thoſe whoſe lot it was to have it: and the ſame grade of diſtinction ſeemed to be preſerved by the others againſt them, as is preſerved in civilized America, between the white and black people.*

The ſavages had very few inducements to ſpeculative inquiries; moved by the force of appetite alone, they formed

* Robertſon's Hiſtory, and Voltaire's Manners of Nations.

formed no abſtract ideas, nor had any regard to the conſequences of, or apprehenſions reſpecting future events ; from whence their language was marked with poverty, and their ſigns of ideas not complex or multiplied.

Public religious ceremonies are generally the firſt marks of civilization, and the ſolemnity of marriage the next : upon the firſt depends in a great meaſure the habits of virtue and morality : on the ſecond, the good order and regularity of civil ſociety. The contracts for marriage among the ſouthern Indians were not ſo permanent as they were among the Indians in that part of the country which we have under conſideration ; but they had made greater progreſs in the eſtabliſhment of forms of ſocial worſhip. In the ſouthern part of America, the ſtate of helpleſs infancy is ſooner over than it can be in the more rigid and ſevere climates of the north ; and therefore the continuance of the marriage contract between the parents is not ſo neceſſary. Among them the care of the mother may be amply ſufficient to rear the young Savage to a ſtate of independence, while the tender attention of both parents may be demanded for that purpoſe further to the northward. In all parts of the continent, the wives were obtained by purchaſe, and conſequently conſidered as they are in Aſia, a higher order of ſlaves ; and were treated as ſuch by their huſbands. This meaſure is aſſigned by ſome writers as the cauſe of the ſterility among the American women.*

The only object of parental care among the ſavages is to preſerve the life of the child, and to prevent a deformity of body. The natural appetite, with the examples

* Abbe Raynal.

amples ariſing from the exertions which are neceſſary to the procurement of daily ſubſiſtence, are fully ſufficient to introduce the young Savage to the myſteries of the chace, and to accompliſh him for the few duties reſulting from a rude life. The young man having derived but few benefits from his natural parents, very ſoon forgets the obligations of filial reſpect, and on ordinary occaſions appears to live like a ſtranger among the connexions of conſanguinity.

The weak incentives among thoſe people to ſocial life, afford but a precarious foundation to friendſhip; and therefore he who looks for favour from a Savage, or for truth in a North American Indian, muſt raiſe his hopes upon ſomething which will affect the immediate intereſt of the Savage or gratify his prevailing appetite.

The Savages found in the country * ſouthward and weſtward of Sagadahock and Piſcataqua, were under the general name of the Abenaquis. They were divided in tribes, under particular ſachems or chiefs, and had above theſe higher officers called Baſhabas. But what the qualifications of thoſe officers were, or in what manner they were inducted, is not aſcertained: nor is their power, if defined among them, ſo well known to us, as that we can deſcribe the lines of it. The Indians eaſt of Sagadahock, had from the French the general name of Etchemins.

The only law neceſſary to a ſtate of ſavage life, is that by which a man can guard his poſſeſſion of the article he holds in his hand; and the dread of retaliation for injuries, all the ſanction which can be had. There were as few rules eſtabliſhed for the deciſion of queſtions

* Purchas, Gorges, Raynal, Belknap.

tions of property among the Abenequis or Etchemins, as among any people diſcovered on the globe. They had no eſtabliſhed tribunals to apply to for juſtice: nor any executive officers to carry decrees into execution. Their plighted faith for the permanency of marriage contracts, appeared to be more obligatory upon them than any other general rule. The writers on the manners of the Savages in South America, and the travellers among the Savages on the banks of, and beyond the Miſſiſippi, give an account of thoſe people's practice reſpecting conſtancy in marriage, and the chaſtity of their women, very different from what has been obſerved among the natives in New England, in Acadie, and in Canada. It is ſaid that the women in South America, and on the banks of the river mentioned, are proſtituted by their parents and huſbands for the gratification of ſtrangers, and that the marriage contract is frequently diſſolved by conſent of the parties. The Savages in our part of the continent have been rather chaſte than otherwiſe, and the huſbands have been found jealous of their wives, and watchful of their excluſive marriage rights; and there have been frequent inſtances of reſentment, where ſtrangers have been found guilty of rudeneſs to the Indian women. There is no inſtance which has fallen within the reach of my inquiries, wherein a ſeparation between huſband and wife has taken place by mutual conſent.

De Motte, in his journal, mentions, as the Abbe Raynal ſays, an inſtance, where a young man of his family debauched a young Savage, and that it was highly reſented by her father, who was a chief on the banks of the Machakadawick, but that the injury was finally compenſated by the marriage of the parties.

This is very wide from the accounts given by Ogilby, and other writers; but I believe that thoſe large volumes contain a great deal of miſinformation. Perhaps the practice of promiſcuous cohabitation is a very important line between a ſavage and a civilized ſtate. Where we find the public opinion well eſtabliſhed in favour of the permanency of marriage compacts, and in favour of female chaſtity, there we find the bounds of civil government commenſurately ſtrong, and property well ſecured: and however weak the bonds of government might be, on the natives of North America, yet the toil of raiſing their offspring in this inclement country, might maintain an idea of the neceſſity of permanency in the marriage obligation. Where there is no idea of civil government, generally ſpeaking, there can be no ſolemnity in the rite of marriage. A diſtinction of property, excepting what ariſes from immediate and unceaſing occupancy, is not to be found among a people who have no eſtabliſhed rules of juſtice. The Savages of North America ſelected wives, and though they did not poſſeſs thoſe high degrees of paſſion which are found in the breaſts of Europeans, yet they had a jealous regard to the excluſive rights of a huſband. They indulged themſelves in ſome inſtances in a plurality of wives, but this was merely a mark of diſtinction which is found among the Aſiatics, as well as amongſt the Americans.

Obedience and reſpect from children, depends altogether on the ſacredneſs of the contract between the parents. The duty of the father to protect, and to provide for his children, depends for its exiſtence on the matrimonial bond alone.

What

What rules of diſtributive juſtice were eſtabliſhed among the Abenaquis is unknown to us, but we may ſafely conclude that they had but very few which they regarded. Where laws are well made, and properly executed, there is always a conſtant acceſſion of members and ſtrength to the community. The idea of ſecurity connects and conſolidates different tribes into one nation: we have inſtances of this among the Italian and Grecian tribes, as well as among others of a later date. But where there are no eſtabliſhed tribunals or permanent rules of juſtice, each tribe is hoſtile to its neighbours, and the ſword, without rule or meaſure, decides each controverſy.

Gorges, in his narrative, informs us, that there was a Baſhaba, near Pemaquid, who preſided over a large tract of territory: that he was at war with the Tarratines, who came upon him, ſurprized and killed him, and carried away all his women, &c. He adds, that after his death, the Sagamores, having no common head, made war with each other, and deſtroyed their people: that the calamities of famine and peſtilence, which are generally conſequent to a war, took place, and ſwept the people away. The account is, that this plague, ſo fatal to the natives, did not affect the Europeans, who were in the country: but that they lodged in the deſolated cabins of the Savages in perfect ſafety.

Dr. Belknap mentions a chief, or king, called a Baſhaba, who was found by Smith on the river Piſcataqua: and James Carthier, in his voyage to Canada, found a ſovereign of ſimilar rank.

This kind of empire among the Savages of North America, was not continued long after the Europeans had got poſſeſſion of the country on the borders of the ſea.

The little we have known among the natives, has led us to believe, that a very weak kind of ariſtocracy, ſupported by the valour and wiſdom of a few, upon the intereſted feelings of the whole, has been the only government which they were ever capable of ſupporting.

Madockawando, was the chief of the Penobſcott tribe. He was the adopted ſon of Aſſaminaſqua. Whether the chiefs claimed an hereditary right of rule in their families or not, it ſeems that they had a power to point out their ſucceſſor.* If the law or rule for directing the deſcent, or the continuance of power, provided that when the ſachem or chief of the clan found his own children too weak, or too wicked to govern, he might appoint a ſuitable ſucceſſor; it was an inſtitution more ſuitable to juſtice, than the practice of ſucceſſion in Europe is.

Squando was the late chief on Saco River, and the Oſſipees; Robinhood, at Sagadahock; but we hear of no acknowledged chief at Newichawanic, ſince the one called Paſſaconoway, ſpoken of by Dr. Belknap. This chief, according to the Doctor's account, preſided over a number of leſſer ſachems in that part of the country. There appears, if we take the ſale of lands by the natives as evidence, to have been a great number of ſachems or chiefs, from the year 1660 to the year 1675; but we have no other evidence of their poſſeſſing authority, than what ariſes merely from their executing deeds. There is no dependence for evidence of the poſſeſſion of a governing power, to be collected from acts of this nature, becauſe they ſold the land every where, and to every one who applied; and for very little conſideration, and without any evidence of an excluſive right in the grantors. In

* Hubbard.

In a treaty held at Boſton, in the year 1676, with the government of Maſſachuſetts, which was then extended over the Province of Maine and Acadie, as far as Pemaquid, Mugg appeared as a deputy from ſeveral ſachems;* which ſhews that no one Indian had the ſovereign authority of making peace and war. Had there been a Baſhaba, with kingly power, extended over that country, or any part of it, the ambaſſador would have appeared as his repreſentative. As there were no wars between the Savages and the white people in the Province of Maine and Acadie, before the year 1675, we can have no evidence of a general chief on our public records, excepting it ſhould be found in the regiſtry of conveyances: there being none there, our enquiries may be terminated without ſatisfaction.

The Penobſcott tribe was much under the influence of the French; and we have no record of any concerns with them, excepting in one inſtance only. One Caſtine, who had been a Colonel of the regiment of Corignon, and who, according to Voltaire and the Abbe Raynal, was a man of family and fortune, became an adventurer to America, about the year 1670, and married the daughter of the Penobſcott chief. He was a mortal enemy to the Engliſh, and by his influence with the Savages did an infinite deal of injury to them. By him the Savages were at all times filled with a jealouſy, which the Engliſh had not prudence or addreſs enough to diſſipate. That man's character has been treated as a myſtery by his own countrymen, and the writers of that nation confeſs that they cannot find any ſatisfactory motives for his conduct.

* Hubbard.

The habitations of the Savages in the Diſtrict were erected by ſticking poles into the ground, and forming a roof with the bark of trees. Theſe were generally on the banks of the rivers or ponds, where the waters yielded a ſpontaneous ſupply of proviſions.

If ſome of the great men, among the Indians, indulged themſelves in bigamy, it might be rendered neceſſary from the loſs of numbers in their frequent wars. James Carthier, in his voyage of 1593, found a cuſtom among the Acadians, by which the widows were never allowed to marry; but were obliged to black their faces with charcoal mixed with greaſe, as an outward ſignal of the ſituation to which a cruel tyranny ſubjected them. This, on a ſuppoſition of a great loſs of males in their wars, might have the appearance of an equitable proviſion: for if ſome of the ſex were to be excluded from matrimony, it was but reaſonable that thoſe who had once been married ſhould be the ſubjects of the excluding edict.

That authority which nature gives to the parent, was not wholly diſregarded among the wild tribes of our wilderneſs. It is very clear, that the reſpect rendered by children to their parents, is generally commenſurate with the dependence the former have upon the latter. As the children felt very little obligation to the parents for the gift of exiſtence, and had no dependence on them after they arrived at an age when they were capable of engaging in the chace, the connexion which is ſo ſtrongly fortified, and ſo long continued in civilized nations, was ſoon ended with the natives of America. At what age the young Savage became his own guardian is very uncertain; nor is it probable that any general rule was obſerved in the tribes.

We

We are told that one of governour De Motte's family attempted in vain to obtain a daughter of a chief at St Croix, until by evidence of a ſuperior ſkill in taking ſalmon, he gained her father's conſent.

We have no accounts of any idiots, or diſtracted people, among the Savages, or of any perſons deformed by ſickneſs. Whether they had laws for the deſtruction of ſuch miſerable objects, or whether their manner of life, and the ſimplicity of their diet, prevented the productions which are ſo very diſtreſſing in civilized countries, we muſt leave to the conjecture of the curious.

Whether the original people of St. Croix, were a part of the Pemaquid and Penobſcott tribes is uncertain. The tribes known to us, as originally of Acadie and the Diſtrict of Maine, were the Penobſcotts, the Noridgewocks, the Abagaduſets, the Pickwockets, the Oſſipees, which were a part of the tribe laſt mentioned, and the Pennycooks, which were a part of the Newichawanicks. Whatever other names there may have been, theſe were the tribes known in that country, and the others were only diviſions of them. Theſe tribes were all, excepting the Penobſcotts, extirpated before the peace of Aix la Chapelle, in 1747. Thoſe of the Noridgewocks, who did not chooſe to ſubmit to the Engliſh government, went away to Canada and St. Croix, and loſt themſelves in the tribes of thoſe regions: but the Penobſcotts, as a tribe, and part of the Noridgewocks, threw themſelves into the protection of our government, and have remained under it until this day. James Cargill, in the year 1756, was charged with the murder of two of that tribe; but was acquitted, and drew a bounty of two thouſand dollars from the treaſ-

ury for their ſcalps, as taken from hoſtile Indians. The depredations made in the Diſtrict during the late French war were committed by the Savages of Canada, guided by the refugees who had gone over to them from the tribes which had ſubmitted.

Of the various tribes which once overſpread the wilderneſs of Acadie, and Maine, there remains only ſeven individuals of the Noridgewocks, and leſs than three hundred of the Penobſcotts. The tribe laſt mentioned, are extremely anxious at the idea of becoming extinct. They cauſe their children to intermarry while they are young, they wean their infants early, and do every thing within their power, the practice of temperance excepted, to preſerve their numbers; but all is in vain. A few years more will oblige the philoſopher to content himſelf with the hiſtory of the ſavage life only, for there will be no examples to be ſeen.

The natives on the ſea coaſt found great advantage from the ſhell and other fiſh which they had in great abundance. The more ſluggiſh of the ſcaly tribes they took by ſpears, pointed with ſharpened bones or flints: and the others were taken with nets made of yarn ſpun, or rather twiſted, from the bark of trees. They were not ſo expert in this kind of manufactory as the natives on the Falkland Iſlands are; but the great ſupply which the oyſter and clam banks afforded, with the bleſſings of the chace, gave them a ſubſiſtence. They did not depend on theſe alone, but in ſome meaſure urged the ſoil for a ſupply of bread. The art of raiſing ma'ze, or corn, was not much practiſed on the north of Piſcataqua River.

The ſoil there is very far from yielding to the feeble and inefficient attacks of the ſavage implements of huſbandry.

huſbandry. There is on all the ſea coaſt, from the weſt to the eaſt end of the Diſtrict, no ſoil which could be moved by the ſavage tools of agriculture, excepting in a ſmall part of the town of Wells : nor is there any conſiderable quantity, at a diſtance from the ſea in the country, which could be ſubjected by them. Where the ſoil was looſe, the trees were too great to be felled by their ſtone hatchets, or to be removed by their ſtrength when on the ground. The ſubſiſtence of thirty Savages called for as great an extent of territory as would ſupport five thouſand civilized people. Neceſſity, therefore, led the natives to the ſea coaſt, and rendered the country back very thin of inhabitants. The companion of famine, the peſtilence, frequently raged in the interior parts of the country : and De Motte, in his journal, ſays, that in the year 1606, when he was making his eſtabliſhment in Canada, the country was nearly deſolated.* The ſame obſervation was made by the firſt ſettlers in New England.

That the Savages in this part of the continent were, when the country was diſcovered, but little acquainted with the uſe of fire, appears from their eating raw fleſh. This fact is atteſted to by the writer of Purchas' Pilgrims, and by the journals kept by thoſe who firſt came among them from Europe.

We are well aſſured that a ſudden alteration was made in their manner of dreſſing their food, in their apparel, and in their mode of living. They at once quitted the burthenſome uſe of ſkins, for the more eaſy garments manufactured by the Europeans. But nature ſeems to have fixed their capacity for refinement to a very narrow compaſs. Three centuries have rolled on ſince the Savages

* Abbe Raynal.

Savages have lived with people in the practice of uſeful arts, and their progreſs is not of any note or conſequence. The world does not afford another inſtance of this kind; nor is there any hope remaining that they will either be loſt in a connexion with the white people, or riſe to national character themſelves.

Some of the vices of Europeans they have readily adopted. The intemperate uſe of ardent ſpirit prevails every where with the natives. Though they knew little, if any thing, of intoxication, before they knew the Europeans; yet they ſoon, and univerſally, became devoted to it. We have in exchange from them the uſe of tobacco: but we have improved upon the uſe of that moſt nauſeous weed, by chewing and ſnuffing it, which the Savages never condeſcended to do.

The Savages have been accuſed of great cruelties in their wars, and of exerciſing the moſt horrible tortures upon their captives. All nations have at one time or other conſidered the captives of war, as the property of the captors, and have generally held them as ſlaves, or have parted with them for a ranſom.

The Indians did not want them, nor could they hold them as ſlaves, and therefore, in the wars among themſelves, they had conſidered it as lawful to kill their captives. Their cruelties to the Engliſh might ariſe from a retaliation for injuries, or from the idea inſtilled by the French prieſts, that heretics ought to be deſtroyed. There never has been one inſtance of an unchaſte attempt among them on a female captive.

There is ſomething in the nature of a Savage of America, very different from what has been found in the Savages of other countries. There has been no inſtance in hiſtory but where the laws and religion of the conquerors,

querors, and the arts brought with them, have been eſtabliſhed among the barbarians found in the country ſubjected. The ancient hiſtorians aſſure us that the firſt inhabitants of Greece lived without intercourſe, or the exerciſe of ſocial offices with each other: That they wandered in the fields and woods, without laws or leaders; having caves and dens for their habitations; that they were ignorant of the uſe of fire, and knew not how to prepare food, but ate raw fleſh, and ſometimes devoured one another.

The Savages of America, were by no means ſo barbarous as theſe: yet the tribes which came from Aſia to take poſſeſſion of Greece incorporated themſelves with the natives of that country, and taught them their religion and laws.

The Ruſſians were in the fifteenth century, as has been before obſerved, quite ignorant of the art of writing, yet they very ſoon made great proficiency in it. But there has been no inſtance of an American Savage being able to compoſe with propriety, or to trace effects to their cauſes, or connect figures ſo as to ſolve mathematical problems with accuracy and ingenuity.

The combination of ſounds by fixed and intelligible characters, was firſt produced in Egypt, but at what period is uncertain; be it when it might, it ſoon ſpread among all the nations of Aſia.

Acoſta, in his hiſtory of the conqueſt of Mexico, as we have it in Robertſon, ſays, that the Mexicans gave advice of the approach of the Spaniards on the ſea coaſt to Montezuma, by ſending him a large cloth, on which they painted what they had ſeen. The Peruvians uſed ſmall cords with knots, which aided their recollection, and ſerved as ſigns. This was the method with the Chineſe,

Chineſe.* But we do not find that the natives of North America were capable of thoſe arts.

The nations of Europe did not underſtand the uſe of an alphabet, until a late period; but when it was propoſed, their genius at once embraced the ineſtimable advantages reſulting from the uſe of it. We do not find that the Savages of America, as a people, have any taſte or ambition urging them to ſuch improvements.

In thoſe things where the mere wants of animal nature can prompt to exertion, the Savages of our country excel in a ſpecies of cunning, and artful addreſs, ſimilar to what has been obſerved in the fox, the elephant, and other animals of the brute creation; but there has never been any kind of evidence that their organs were made capable of the higher enjoyments of ſocial refined life.

There have indeed been ſome inſtances where young Savages have been taken away from their tribes, and taught to read, and write, perhaps ſomething more: and there have been inſtances, where lower ranks of animals have been taught to do extraordinary things. But the main diſtinction between the Americans, and the barbarians which have been found in the European countries is, that the latter have been always capable of being inſpired with a thirſt for fame ariſing from mental accompliſhments, but the latter have no conceptions of any other glory than what is the reſult of the ſtrength, the beauty, and agility of their bodies.

If Dr. Robertſon's hiſtory of South America is to be relied on, as no doubt it is, there is in many inſtances a difference between the manners of the ſouthern and the northern Indians. It is true, as he obſerves, that

* Hiſtory of China.

that while we can trace the difference of manners in ſome inſtances to the difference of climate, yet there are other circumſtances which can never be accounted for, on that, or any other hypotheſis yet given to the public.

We know but little of wars among the Savages of North America. It is ſaid, that in South America, the Savages treat their captives with the utmoſt cruelty.* Some writers believe that they are not only killed by extreme torture, but that their fleſh is ſometimes made food for the captors.

We have the fancy of the European poets, in the death ſongs of the captive Savage, and as the mind delights too much in the contemplation of ſcenes of the moſt horrid diſtreſs, we are led by the extravagance of fancy, to tragedies which exiſt in imagination only.

There is no evidence to prove that the Savages of North America, frequently treated either the natives or the white people, whom the fate of war had placed within their power, with extraordinary cruelty; unleſs in ſome few inſtances mentioned in the hiſtories of this country, wherein the writers could only relate the facts as they were reported, at a time when it was abſolutely neceſſary to ſtimulate the people to revenge, by every circumſtance that could be brought to view.

As there is no evidence either of frequent acts of cruelty in the Savages of our hemiſphere, to their priſoners, excepting in the heat of action, and immediately on the ſurrender of a fortreſs, or of their inviting the neighbouring tribes to partake of repaſts, ſerved up with human fleſh, it is only neceſſary to refer the reader,

* Robertſon. This account Dr. Robertſon receives from a number of French and Spaniſh writers, which may poſſibly be depended on.

er, who wiſhes an entertainment of this kind, to the firſt volume of Dr. Robertſon's hiſtory : where he will find it tranſlated from the Spaniſh writers, and faithfully given to the Engliſh readers in an elegant ſtile.

In South America, the Savage has but little dreſs ; and what he uſes is chiefly for ornament. That the burthen of veſtments may not be grievous in that ſultry climate, they generally ornament their bodies with paints.

The Savages of our part of the continent, found the ſkin of a beaſt neceſſary throughout the year ; and therefore ornamented themſelves by decking their heads with feathers, and by painting their faces. The alteration made in their dreſs, ſince their intercourſe with the Europeans, is, that they have changed the bear ſkin for the woolen blanket, and the beaver ſkins for other veſtments. The men delight much more in ornaments than the women, and like the South Americans, they uſe theſe not to increaſe their beauty, or to conceal any defects in their form, but to inſpire their enemies with horrour.

There is one diſtinguiſhing feature in the character of the northern Indians from thoſe of the ſouthern nations : when the infant is born, the parents wrap him in the bark of trees, and ſwathe him with cords of the rind in ſuch a manner as to impreſs the tender body with a regularity of figure, and to preſerve it in a beautiful rectitude of appearance. But the Savages of the ſouth, on the contrary, were accuſtomed to disfigure their infants, " by compreſſing the bones of the ſkull, while ſoft and flexible ; ſome would flatten the crown of the head, and ſome ſqueeze them into the ſhape of a cone,

and

and others would form them as much as poſſible into a ſquare figure."*

On the contrary, the North American Savages had a real taſte for beauty, and were remarkably tall and naturally elegant in their appearance. Nor did they treat their females with the contempt and neglect which are aſcribed to the manners of the Savages nearer to the equator. As they have few ideas, and ſtill fewer words, the North American Indians have the ſame want of ſociability, the ſpirit of jealouſy, and the ſame moroſeneſs and ſulleneſs of diſpoſition as are found among the natives of South America.

The inclemency of the northern ſky compelled the Savages in North America to pay more attention to their habitations, than was done by the ſouthern Indians. In South America, or New Spain, ſome of the Savages roamed at large, without any particular home. Their habitations were mere ſlight coverings from the rains under ſhelter of the bark ſtript from trees; or in dens made in the earth; or in natural caves in the mountains; where they were hid from the ſcorchings of a clear ſky, as well as from the drenchings of the ſtorm.† In Mexico, Peru, and other places, there were habitations ſlightly erected, by which towns were formed. In our hemiſphere the Indian's cabin was made with great care and art. However ſmall it might be, yet the roof was tight againſt the rain, and the ſides proof againſt the ſtorm. A ſmall aperture remained for an entrance to the wigwam, where the maſter and the dog entered to ſhelter or reſt, and before which, a ſmall fire warmed the family within, while reclined on the bear ſkins, or the ſoft leaves of the foreſt, or on ruſhes wove into mats.

The

* Robertſon Vol. I. p. 370. † Ibid.

The utenſils of the family were very few: a diſh made of wood, or perhaps of a ſoft ſpecies of ſtone, and a bucket of birch bark. In the latter they ſerved up the water. If ever they boiled their food, or warmed a liquid, it was by kindling a fire round a hollow rock. But their meats were generally roaſted, after they learned the uſe of fire, their vegetables baked under their fires, and their bread on flat ſtones ſet up on edge, on which it was ſpread to receive the heat.

It is ſaid that they hollowed pieces of wood, into which they put water, and threw in hot ſtones to boil it.* If this proceſs was ever in uſe among them, it was ſo much oppoſed to their natural indolence, that it was never much practiſed. The utenſils of a wigwam were increaſed ſoon after the natives were acquainted with the Europeans, to a kettle, a diſh, a hatchet, and a knife: in which ſtile of living they have generally continued to this day.

The canoes uſed by the North Americans are made of the bark of birch trees, peeled with a great deal of art, and ſewed on ribs formed from aſh wood: and conſtructed ſo very light, that an Indian ſquaw carries on her head one which will bear eight perſons over the waters of a lake, ſeveral miles, with ſafety.

The natives of North America had no form of worſhip; nor had they an idea of ſacrifices. Their religion, whatever the licenſe of travellers who delighted in returning with marvellous ſtories might be, was nothing more than ſome incoherent and irregular ideas like the Manichean ſcheme. They believed that there was a great Evil Spirit, and a great Good Spirit, who governed

* John Ogilby's book.

ed the world; both these they worshipped; the former to appease his rage, and to obtain his complacency; the other to induce his benevolence to supply, and to protect them. It is very doubtful, whether they ever had any idea of a future state of rewards and punishments for disembodied spirits, before it was taught them by the ministers of the Christian religion.

The fanciful historians have said much respecting the Savage's hope of felicity in fine fields beyond the gates of death, where he should meet his ancestors, and be happy in a state of immortality; this may be all true respecting the South Americans, but from any conversation had with the Indians here, or from any thing which can be gathered from those who have been more with them, there is no reason to believe that the northern Savages ever had ideas of that nature. They were, and as yet are very superstitious; believing in a great number of good and bad spirits, who under the two great ones influence their success and control their fates. With these, they believe some of their wise men have a familiar intercourse, learning the art of deciding on future events, and from that have an established habit in favour of soothsayers and fortune tellers.

When the Savage is interred, his friends place his pipe, his bow and his arrows by him; this is done under an idea of his future necessity to use these implements of war and amusement. Whether this was done before the Jesuits promulgated the doctrine of the resurrection among them, does not certainly appear: if it was not practised before that event took place, we may conclude, that this absurd ceremony had its origin in the crude ideas adopted by the Savages from the gospel truth: in either way, it serves as evidence that they

had no belief of a ſtate where the ſoul could enjoy, or ſuffer, ſeparately from the body.

There is a practice in South America, by which the aged and incurably infirm are cut off from life, under a pretence of giving relief againſt the oppreſſions of age and diſeaſe: that this is practiſed in South America may be ſuppoſed true,* but the practice never prevailed among the Northern Indians. The aged are treated with peculiar and very great veneration; and the ſick are attended to with as much tenderneſs as the rude ſtate of ſavage life can admit of. An aged Savage is now exiſting in the Penobſcott tribe who has numbered one hundred years ſince his birth, and who is treated with very great reſpect by his tribe.†

John Carver, the man whoſe curioſity obliged him to travel far among the Indian tribes, tells us, that there is a great veneration among the North American Indians for their aged men, that they regard them as prophets, and treat the grandfathers with more reſpect than they treat their immediate anceſtors.

This traveller gives his readers ſome diſagreeable accounts of the want of delicacy in the females among the Savages, but does not go ſo far as ſome more modern travellers allow themſelves to go in thoſe diſguſting accounts.

* Robertſon.

† Some years ago I was on the banks of the Kenebeck and ſaw a Savage who I ſuppoſed was of the Norridgewock tribe. His name was Quenockroſs. He had in his family, his mother and his wife. He had been wounded in the war, and was lame in one of his feet. His mother was very aged; he had her in his canoe, with a blanket carefully ſpread over her: and when he came aſhore he kindled his fire, took her out in his arms, and laid her tenderly down by it. When he had cooked his meſs, he gave it to her, and he and his wife waited until ſhe had done eating. Upon ſeeing me notice it, he exultingly pointed to her, and ſaid, *ſhe was his mother.*

counts. However unchaſte the Savages may be in ſome parts of the continent, there is a great want of evidence to prove that to be a part of their character in this. Governour Winthrop gives us an anecdote in his journal much in favour of the morals of the Indians near Boſton. In 1639, an Indian complained againſt a white man for attempting to ſeduce his wife: the proof was ſufficient, and the man was ſentenced to be whipped, and the Savage and his wife were gratified in ſeeing the ſentence executed. Another anecdote is given by Charlevoix, from the voyages of Carthier and La Motte. A young female native was ſeduced by a Frenchman; the crime was at length made public, in the uſual mode of evidence in caſes of that nature. The parents of the young woman were enraged, and would not conſent to a marriage until there appeared to be an ample proviſion for her according to the ſavage ideas of ſupport.*

The prieſts are the phyſicians of the North American Indians. We do not find that the ſick are treated here as they are treated in South America, by being abandoned to their fate and neglected.

On the whole we are obliged to conclude, that the Savages of North America, are, and always have been, more humane and leſs cruel than thoſe of the South; or that the Spaniſh writers, in order to excuſe the unexampled cruelties of their nation, have deceived the world with tales which had no foundation, but in the imagination of the hiſtorians: or what may be

* John Joſſelyn tells us that the young women were unchaſte, but that the married women were faithful to their huſbands. But there is not much dependence to be placed on that writer's opinions, or on the facts he gives to the public.

more probable ſtill, is, that the Spaniſh writers were indebted for the ſtories they have publiſhed, to men whoſe avarice led them to travel for the ſake of plunder, and whoſe levity led them to relate falſehoods for amuſement; or perhaps the horrible accounts given by thoſe people reſpecting the barbarity of the natives, were found neceſſary, in order to excuſe the cruelty of their ſanguinary viſitors.

CHAPTER

CHAPTER VI.

Of the European Grants of Lands.

THE queſtion, whether the ſovereigns of Europe had a right to grant the lands in America, can never be anſwered in the affirmative, with any pretenſions to juſtice and reaſon.

The ſovereign is but the repreſentative of his nation, and as ſuch, can never repreſent ſubjects, where they have no right to appear themſelves; nor grant that on their behalf, which they could not grant in their natural capacity. The idea of a nation's acquiring territory, can ariſe only from conqueſt, from pre-occupancy, or from purchaſe. There was no pretenſion to a right by purchaſe, and no conqueſt was ever made, before James I. granted the lands on the continent from the fortieth to the forty eighth degree of northern latitude; and therefore all the grants of Henry, Elizabeth, and James, were nugatory, and but mere imitations of thoſe made by the Pope. The grants were of lands which theſe ſovereigns never had in their natural capacity, nor was the nation, which they repreſented, ever entitled to the ſoil. How far the landing men upon a defenceleſs coaſt, may be called a conqueſt, is eaſily ſettled. The writers on the laws of nature, and nations, all agree, that the conqueſt of an inoffending country is wrong; but yet the ſtronger powers have always found a pretext to ſanction the robbery; and the monarch, who commands an invincible armament, laughs at the philoſophic diſquiſitions of men of morals.

The Savages had not offended the Europeans, by any other injury, than that of not becoming Chriſtians before they had heard of the goſpel. There was then, no cauſe of quarrel, or pretext for conqueſt. If their not being chriſtians was a juſt cauſe of quarrel, they made reparation for the injury as ſoon as they could, for they became converts; not only ſo, but ſome of them became zealous burners, and deſtroyers of heretics, according to the rights and ceremonies of the holy political Mother Church.

I ſaid, that a nation, as ſuch, muſt come to the poſſeſſion of territory, either by purchaſe, prior occupancy, or conqueſt. The origin of a nation is from the union of a number of individuals, who unite their perſons and property for mutual defence and ſafety. And when it is thus formed, there is no other mode than thoſe above mentioned, for it to add to its dominions.

As the earth is given to the children of men, the origin of all excluſive right to poſſeſſion is founded in a prior occupancy. There has ſeldom, perhaps never, been an inſtance, in which there was a prior occupancy by a nation in its corporate capacity. The moſt ancient hiſtory which we have, is of the ſettlement of ſome of the Grecian ſtates from Egypt, but it is evident that before the Titans or other ſtrangers came there, the country was inhabited by a people, who finally incorporated themſelves with thoſe ſtrangers. The Savages were found in poſſeſſion of America, but have never yet been incorporated with the Europeans. How far their kind of occupancy, would exclude individuals, under certain circumſtances, from taking poſſeſſion of the wilderneſs, will be conſidered in another place.

It

It is very clear, that neither the Pope, or any of the princes of Europe, had a right to grant the lands of America.

In the year 1606, James I. of England, granted all the lands from the fortieth to the forty eighth degree of northerly latitude, to the Council eſtabliſhed at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New England in America; and in that breadth from the one ſea to the other. Sir Ferdinando Gorges, and John Maſon, being of that council, conceived themſelves as having a right to a choice of the lands. It has been obſerved, that the diſcovery of Newfoundland, was the diſcovery of North America; and that the Diſtrict of Maine was diſcovered by voyages from that part of the country. De Motte was in Kenebec, Saco, and Wells, in the year 1604: Captain Smith diſcovered the river Piſcataqua in 1614; and both theſe ſailed from Newfoundland weſtward.

When the country called Naumkeag, and the river Merrimack, were diſcovered by the Europeans, is not known. But Gorges and Maſon, in the year 1624, obtained a grant from the council, of all the lands from Merrimack River, to the River Sagadahock, or Kenebeck. This grant was four years before the grant of the colony of Maſſachuſetts to Southcott and others, but after the ſettlement of Plymouth.

When James made the grant to the council of Plymouth, the expectations of the grantees were fixed upon wealth from the mines, and upon rank from the poſſeſſion of manors and great eſtates. An idea of equality in obtaining the means of ſubſiſtence from the labour of each holder of a fee ſimple eſtate, would have

overthrown all the ſpirit of adventure. Even the common people of Europe had no idea of living in a ſtate of independence, on lands to be diſpoſed of by the poſſeſſor at his pleaſure, or to be tranſmitted by legal rules to his heirs indiſcriminately. The people of Europe had been too long ſhackled by the feudal ſyſtem to have conceptions of this kind. The ambition of the great, and the weakneſs of the ſmall, were by this means combined to give birth to a New World. And it may here be added, that the ſame cauſes have had a powerful effect in rendering that ſame world free and independent. For a ſenſe of dependence of the ſmall and idle part of the community, urged Great Britain to ſeek a revenue where ſhe found the ſword of Liberty.

Gorges and Maſon, were very efficient members of the council, and went as fully into the idea of manors and manſions, tenants and vaſſals, as any men of their day.

There has been no age of the world, in which this diſpoſition to inequality has not prevailed; this it was that urged the hordes, or tribes in Aſia, and in Europe, to move, as nations, over large tracts of countries, to conquer the innocent poſſeſſors; or to expel them from their native ſoil. This has moved great nations, formed by a combination of tribes, to deluge the earth in blood, without provocation from the victims of their cruelty. This has rendered rulers the tyrants of their ſubjects; and united the people in their attempts to ſubvert arbitrary ſovereignties. However the calamities of our world may be multiplied by the irregular conduct, and the inordinate paſſions of men; and however wicked the authors of theſe calamities may be, yet the world proceeds, under a wiſe

and

and perfect government, which overrules the vices and follies of individuals for the general good of the whole.

While the grant to Mason and Gorges existed, as a grant under the Council of Plymouth, several other grants were made, which were incompatible with that, and which proceeded from a total ignorance, in the council, of the geography of the country.

Gorges and Mason, found some people on the banks of Piscataqua river, who had been induced by Smith's discovery to come there for the purposes of fishing, and trading with the natives: These people submitted to the lords proprietors, but the want of a regular form of government, and of a proper control by the overseers, disappointed all the hopes of those great men. As the settlers increased, the want of government was acknowledged, and one was actually formed in the year 1640, by them, independent of the proprietary lords.

The grants of the council interfering with each other, and each containing independent powers of government, which the grantees were too feeble to exercise, added very much to the confusion.

In the year 1629, the council granted to Richard Vines, and Thomas Oldham, a tract of land, lying on the west side of Swagadahock, or Saco, extending from the river four miles towards Cape Pourpus, and from the sea running eight miles into the country, and continuing the breadth of four miles. In the same year another grant was made, by the council, to Thomas Lewis, and Richard Benython, of a tract on the east side of the same river, extending east towards Black Point, four miles on the sea, and holding the breadth of four miles, for the extent of eight miles into the country.

These

Theſe were all the tracts, which were granted by the council in the Province of Maine, excepting one to John Dy, John Smith, and others, and one in the year 1629, to the old colony of Plymouth, on the river Kenebeck, a part of which was within the Province of Maine.

The grant to John Dy and others, from the Council of Plymouth, was made in the year 1630. This grant was very ſoon transferred to Alexander Rigby, who is ſaid in Hubbard's hiſtory to have been of Lancaſhire in England, but by his conveyances he is ſtiled of Gray's Inn, in London. He afterwards had the title of Sir Alexander Rigby. This tract was called Lygonia, and extended from Cape Porpoiſe on the ſea coaſt forty miles eaſt, to what, as the claim then was, is now called Clabbord Iſland, in Caſco Bay; and forty miles in extent northward into the main land. This deſcription included the two grants before mentioned on the river Saco. The two grants to Lewis and Benython, to Vines and Oldham, had no powers of government annexed to the titles. The grant to Dy and others, which was aſſigned to Rigby, had the powers of a colonial government annexed to it, and including the other two grants, exerciſed a juriſdiction over a people on each bank of Saco River. The operations of that government will be mentioned in a proper place. Sir Alexander appointed George Cleaves his agent. Cleaves called himſelf, in his proceedings, "*Agent to Colonel Alexander Rigby, Preſident and Proprietor of the Province of Lygonia :*" and in that capacity ſold to Gregory Jeffrey two hundred acres of land in the village of Cape Porpoiſe, near the ſea; for the yearly rent of one farthing an acre. This deed was dated in 1661. The ſame agent, in the ſame year, ſold to John Buſh, and

Richard

Richard Moore, four hundred acres each in the ſame village, for the rent of ten ſhillings ſterling a year, for each four hundred acres. Theſe grants are ſufficient to ſhew, that the Province of Lygonia extended as far weſt as Cape Porpoiſe. There was in the early day of the country one Robert Trelawney, who came over at the inſtance of Rigby; he had a grant of nearly all the lands in Cape Elizabeth, of the lands on the neck of Caſco, and extending ſome way into the country. His ſeat was at what is now called Spurwink, on the weſt line of Cape Elizabeth, or on the eaſt line of Scarborough. Trelawney carried on the fiſhery, and had his ſtore at Richmond Iſland, on the eaſt ſide of the entrance to Saco River:* he died ſoon after he came over, and John Winter, who was his agent, obtained adminiſtration of his eſtate, from the government of Lygonia; but Winter died ſoon after, and Robert Jordan, who came over as an Epiſcopalian miniſter, and who married Winter's only child, took adminiſtration on Winter's eſtate. Trelawney's heirs had returned to England, and being engaged, on the royal ſide, in the civil war then exiſting in that country, they paid no attention to the adventure of their father: this obliged Jordan to ſeek a recompenſe for the ſervices rendered by his inteſtate, in the court of Lygonia; and in the year 1648, the whole grant from Rigby to Trelawney was ſet over to Jordan, in recompenſe for Winter's demand. There is now in the Diſtrict of Maine, a numerous poſterity of Parſon Jordan, who are in poſſeſſion of a great part of the land derived from Trelawney, but there is a great and valuable part of it which they have loſt by neglect, and by the uſual claſhing of indeterminate grants in that Diſtrict.

Cleaves

* Winthrop's Journal. Joſſelyn's Voyages.

Cleaves made ſeveral other grants which are maintained at this day; amongſt thoſe is one to Michael Mitten, of lands in Portland, which is held by the family of Brackets. How Sir Alexander Rigby became diveſted of his government, will be ſhewn hereafter. But this grant laſt mentioned, appears to be under the title of Gorges, from whom Cleaves had alſo an agency dated in 1646. There was a grant made in the year 1629, by the council of Plymouth, to Eldridge and Aldſworth, of a tract between the rivers of Damariſcotia and Gorges, including a number of valuable iſlands, and extending to the head of the tide on both rivers. When the danger from the Savages was over, one Drowne and others appeared to claim that land, as the aſſigns of Eldridge and Aldſworth. To this claim the ſettlers oppoſed the title of Walter Phillips, under the Indians, and the grants from governour Dungan, under the duke of York; but the patentees prevailed, and eſtabliſhed their title.

The grant made by the Council of Plymouth, to the colony of New Plymouth, is deſcribed as "all that tract of land, or part of New England, in America, which lyeth within, or between, and extendeth itſelf from the utmoſt limits of Cobiſecontee, alias Commaſacontee, which adjoineth the river Kenbec, alias Kenebekike, towards the Weſtern Ocean, and place called Neguamkike, in America; and fifteen miles on each ſide of the river commonly called Kenebec River." This grant was made in the year 1629, and the conſideration expreſſed is, that the colony of New Plymouth had no convenient place for trading or fiſhing within their territory, between the Maſſachuſetts and Narraganſett countries. The trade intended in this grant,

could

could be no other than the peltry trade with the Savages; and the fiſhing, muſt mean the ſalmon, and other river fiſheries; becauſe the colony of New Plymouth, was itſelf well ſituated for the cod and whale fiſheries.

This tract was ſold by the colony of New Plymouth, in the year 1661, for fourteen hundred pounds ſterling money, to Antipas Boies, Edward Tyng, Thomas Brattle, and John Winſlow. From the ſale of the patent until the year 1751, we hear but little of it. The title was ſhifted by divers deſcents and conveyances, and very few of the heirs of the original four grantees had any ſhare in it. The claim was in the hands of men of great influence in the government, to whom Shirley, who was then governour, was very attentive. The eaſy paſſage which the Indians found from Canada, down the Kenebeck, to New England, rendered the influence of the proprietors effectual with the government, to erect a chain of forts on the river. The forts called Richmond, and Frankfort, were erected in the year 1751, and the upper forts, as has been obſerved, afterwards; and the proprietors aſſociated under the ſtile of the Kenebeck company.

Upon the reduction of Quebec, by the Engliſh, in 1759, the property of the company was much enhanced in value, and on the treaty of Paris, in 1763, the value was conſidered as almoſt above appreciation. Settlements had been made on both ſides of the river as high as Merrymeeting Bay, from the year 1714, under titles oppoſed to that of the company. The company contended, that the words, *to the utmoſt limits of Cobiſecontee towards the Weſtern Ocean*, extended their boundaries to the ſea, including, by other expreſſions, the land for fifteen miles on each ſide of the river. A

ſtrong

ſtrong argument was ſupported on the idea ſuggeſted in the patent, that the place granted, was intended for the accommodations of a fiſhery ; which could not be effected unleſs the grant extended to the ſea. The word Cobiſecontee was, by all parties, confined to the idea of a river, and it was therefore contended, by the oppoſers of the patent, that the utmoſt limits of Cobiſecontee towards the Weſtern Ocean, could mean only that part of the river called Cobiſecontee, which was neareſt to the ſea. That river loſes itſelf in the river Kenebeck, at the diſtance of forty miles from the ſea ; but in its windings through the country, one bend of it approaches ſo near to the ſea ſhore, that a line eaſt and weſt, through it, will come acroſs the lower end of Pownalborough, and be within thirty miles of the mouth of the Kenebeck. To give the patent this conſtruction, would quiet all the ancient ſettlers under adverſe titles, and ſave the towns of Woolwich, Topſtown, Brunſwick, and Georgetown from deſtruction ; and yet give the proprietors a vaſt extent of valuable territory. The ſuperior court was then compoſed of Mr. Hutchinſon, who was Lieutenant Governour, and was afterwards commander in chief of the Province of Maſſachuſetts Bay, of Mr. Lynds, Cuſhing, Oliver, and Trowbridge. After many controverſies, in which all the eminent lawyers were engaged on the one ſide or the other, the court gave it as their opinion that the ſouth line of the Plymouth patent, was a line drawn eaſt and weſt through that bend of the River Cobeſecontee, which was neareſt to the Weſtern Ocean. There can be no pretenſion that this was the true conſtruction of the patent ; for there is no doubt, that the lands granted by the Council of Plymouth, was a tract

of

of land called Cobbeſeconteag by the Savages, which in their language meant the lands where ſturgeon were taken. This fiſh was exceedingly plenty in the River Kenebeck, and were taken in every part of it as high as where the rivers, called by the name of Cobiſecontee, runs into it. But the conſtruction given by the judges was popular; and was, under all circumſtances of ſettlements under the adverſe titles, very equitable and juſt. There is ſomething in popular opinion, which never fails to influence the tribunals of juſtice in a country; and though, where the prerogatives of the ſovereign may be oppoſed to the intereſt of the people, the point may be carried againſt them; yet it is always more agreeable to the judges to have a coincidence of public opinion for their ſupport. In the caſe above ſtated, the rights of the crown were not concerned, and the deciſion was popular.

Theſe grants, and patents, excepting that to Eldridge and Aldſworth, and that part of the Plymouth patent, which was on the eaſt ſide of Kenebeck, were all within what had been granted to Gorges and Maſon, in the year 1624. They were crowded on every ſide. Maſſachuſetts began to claim an extenſion of the patent under which they held, to a line drawn eaſt and weſt through a place or point, three miles north of the moſt northerly part of Merrimack River. Rigby had the powers of government, and claimed a tract from Kenebunk River, on the ſea coaſt, to a line ſeveral miles eaſt of Portland, and extending forty miles back from the ſea. This included the grants to Lewis and Benython, Vines and Oldham, on the River Saco; but they ſubmitted to Rigby's juriſdiction, over the Province of Lygonia; and he reciprocated their goodneſs by allowing

ing them to feel ſecure in his open and expreſs acknowledgment of their title; though he had the powers of government. There was no ſuperintending power to correct the injuries done by one ſet of patentees to another: and there were other cauſes beſides thoſe of claſhing of titles, which produced animoſities amongſt the granters of the ſeveral patents. Rigby was in favour with the colonies of Maſſachuſetts and Plymouth, becauſe he was oppoſed to Gorges and Maſon. Theſe colonies had been originated upon the principles of republican and equal governments; upon the idea of liberty of conſcience; and the firſt ſettlers came over that they might enjoy thoſe ineſtimable privileges. The firſt adventurers in the diſcovery of the country, had nothing of this kind in view; but expected great riches, from mines, and from erecting extenſive manors, from which valuable rents were to be collected. Gorges and Maſon, were full in the ſupport of this original plan: while the principles of equality, the liberty of conſcience, and a participation in the powers of government, held out in offers by the other colonies, intoxicated all the ſettlers, excepting high Royaliſts, and Epiſcopalians, in the territory between the river Merrimack and Sagadahock, then under the juriſdiction of Gorges, Maſon, and Rigby. To cure an evil ſo fatal to them, they attempted divers expedients: one of which was to obtain a general government over the whole.

Perplexed, defeated, and diſappointed in their attempts, Gorges and Maſon had almoſt given over their enterprize, when an opening was made to give them relief.

Charles

Charles I. began to find that his anceſtors had done wrong in giving the people ſo large a ſhare in the government. The contentions between the kings and the nobility had been carried to great lengths, in which, however, the latter always prevailed. There were then no ſtanding armies attached to the royal ſtandard; or ſyſtems of revenue devoted to a miniſtry; but the kings were dependent upon their ſubjects in common, civil life, for ſupport againſt the barons, who had a multitude of vaſſals devoted to their call. The kings, by grants of territory, of franchiſes, and of privileges, had engaged the people againſt the barons: but theſe grants, aided by the light which commerce and the diſquiſitions upon the great revolution in matters of religion, which was effected under Henry and Elizabeth, threw upon the public mind, gave the body of the people a taſte for civil and religious liberty. Charles began to ſee that his arbitrary intentions, or what he called the hereditary prerogatives of his crown, were in danger: wherefore he began to recal the grants of his predeceſſors, under the idea that they had been deceived. When a ſovereign has the inclination to vacate a charter, he can eaſily find a pretext for it, and can eſtabliſh a court, who, with great gravity, affected ſolemnity, and a kind of plauſible reaſoning, which men of ſenſe deſpiſe but may not dare to encounter, will aid him in the fraud. Charles had prohibited his ſubjects from going over to the colonies before he vacated that grant.

The grant of king James to the council of Plymouth, was the foundation of all the grants in New England. To overthrow this would involve the whole in ruin. King Charles was the more diſpoſed to this meaſure,

becauſe all the middle colonies were poſſeſſed by people who were themſelves oppoſed to the principles, which he attempted to govern upon; and held charters for governments, favourable to republican principles. He therefore had the grant of James declared void, and aſſumed the right of granting all the lands in North America over again.

Gorges and Maſon, ſuppoſed that they had now their enemies under their feet, and agreeing to divide their territory, Gorges, in the year 1639, obtained from the King a very extraordinary grant of all the lands between the river Piſcataqua, and the river Kenebeck or Sagadahock, and extending one hundred and twenty miles into the country from the ſea. This was granted under the name of the Province of Maine. Prior to this grant, the name of Province, or County of Maine, was never known; but what legal juriſdiction there was, aroſe from, and was exerciſed under Rigby's Province of Lygonia. We do not find that any courts, or tribunals of juſtice, were erected by Gorges or Maſon, within the Diſtrict of Maine, before the date of this grant.

After the vacation of the charter before mentioned, Charles made ſeveral grants. Gorges had aid from his friends in England, and if we may take his own account of his ſituation, he realized great cauſes of triumph and exultation, when he had carried this important point.*

Gorges ſays, that the whole continent, after the vacation of the charter to the council of Plymouth, was divided as follows: "Beginning from our weſternmoſt bounds, eaſtward to where the lord Mulgrave began his

* Gorges' Hiſtory, 44 and 45.

his limits, and ended the ſame at the river called Hudſon's River. To the eaſtward of the river was placed the Duke of Lenox, ſince Duke of Richmond, to the end of ſixty miles eaſtward. Next to him was placed the Earl of Carliſle, and next to him the Lord Edward Gorge, and next to him was ſettled the Marquis of Hamilton, next to him Captain John Maſon, and laſtly myſelf, whoſe bounds extended from the midſt of Merrimack to the great river Sagadahock, being ſixty miles, and ſo up into the main land one hundred and twenty miles."

I believe that an error which appears in this narrative muſt have been of the preſs. Gorges gives Maſon a place next to the Marquis of Hamilton; and ſays that his own Province extended from Merrimack to Kenebeck; which would exclude Maſon entirely, for it is very clear that the land divided to the Marquis of Hamilton, was what is now Maſſachuſetts, and that Maſon had New Hampſhire. Gorges therefore, by the river Merrimack intended the river Piſcataqua, which on a ſtrait line is about ſixty miles from the river Kenebeck.

But to return to Gorges' opinion of his own ſituation, he ſays, "Being now ſeized of what I travelled for above forty years, together with the expenſes of many thouſand pounds, and the beſt time of my age, loaded with troubles and vexations from all parts, as you have heard, I will now give you an account in what order I have ſettled my affairs in that Province of Maine, with the true form and manner of government, according to the authority granted me by his majeſty's royal charter."

The

The great powers granted to Sir Ferdinando Gorges by that charter, may be ſeen by examining it; it is therefore given to the reader in the Appendix, No. I.

The civil wars came on in England, in the year 1644, from which time Gorges neglected his government. The colony of Maſſachuſetts ſeized that opportunity to extend their claim eaſtward; and by taking what is called the partings in Merrimack river for the moſt northerly part of thoſe waters, and fixing a point three miles north of that place, they drew a line eaſt and weſt for their boundary, and carried their patent below what is now the town of Portland. Gorges died before the reſtoration, and his heirs would never have reclaimed their eſtate in the Province of Maine, if that event had not taken place. In the year 1674, an end was put to the controverſy, by the ſale of the whole to John Uſher, who purchaſed it for the colony of Maſſachuſetts, for the ſum of fourteen hundred pounds Engliſh money, of the grandſon of Sir Ferdinando. In the year 1692 the charter of William and Mary, placed that, together with Acadie, under the government of Maſſachuſetts, but the Province had no right to grant lands eaſt of the Kenebeck.

Sir William Alexander had a grant from King Charles, of the land from Kenebeck to the bay of Chaleurs; this was called Nova Scotia, in honour to the grantee's country. A part of it is ſtill known by that name. The Engliſh court was at that day, from the influence of the queen, much devoted to France: and there is but little doubt, that the grant was made to Alexander with an intention, that he ſhould convey it to the French, which he did very ſoon after the date of his patent. The government which the French exercised

erciſed over Acadie, as a part of the Province of Nova Scotia, or rather as a part of New France, eſtabliſhed by the purchaſe of Sir William's patent, will have its place in this hiſtory.

If the French ever made any grants the evidence of the titles have been carried away by the removal of the proprietors, and we know nothing of the records.

Sir Ferdinando Gorges, in the year 1637, made a grant to Sir Richard Edgcomb, of Mount Edgcomb, in the kingdom of Great Britain, of eight thouſand acres of land, lying between the river Sagadahock and Caſco Bay, at a certain diſtance from the ſea. The bounds of this grant were very uncertain; and the grant was perhaps intended, rather as an obligation to locate, and convey, that quantity near the river Sagadahock, than as an abſolute grant of that quantity any where. But the ſituation of Edgcomb in England, after the commencement of the civil war againſt Charles I. rendered the completion of this conveyance impoſſible. In the year 1718, the heir of Sir Robert attended to this grant, and cauſed his claim to be entered in the book of claims of Maſſachuſetts: but nothing more was done in regard to it until the year 1756, when the heir to the eſtate of Mount Edgcomb, under the title of lord Edgcomb, of Mount Edgcomb in the kingdom of Great Britain, empowered Sir William Pepperrel to attend to the matter for him. The death of his lordſhip's agent, laid the title aſleep for ſome time; but, in the year 1768, the claim was revived by Nathaniel Sparhawk, Eſq. who married the only daughter of Sir William Pepperell, and who had received powers from lord Edgcomb to claim eight thouſand acres on Kenebeck river. One Springer, of

Bowdoinham, was ſued by Mr. Bowdoin, who claimed the land where he had ſettled under the proprietors of the Plymouth patent, and as evidence of his title, ſhewed the patent, and alſo a deed from Abbagaduſett, an Indian, which the aſſigns of the patentees had purchaſed in aid of the extention of their grant to the ſea. The terretenant called to his aid the title of lord Edgcomb; exhibited Gorges' grant to his anceſtor, and a copy of the claim entered in the book of claims. The deſcription in the book of claims was more certain than that in the original grant; it was there deſcribed as eight thouſand acres near the lake of New Somerſett, fifteen miles from Caſco Bay: but the council for lord Edgcomb endeavoured to fix it on a grant fifteen miles from the ſea on the weſt ſide of the river Kenebeck, and adjoining to Merry Meeting Bay, calling that the lake of New Somerſett. Had there been no intereſt oppoſed to this conſtruction, and the matter had ſtood quite indifferent, as to the place which ſhould be improved to ſupply the grant, that place might have been ſuited to it: but the prior acts of poſſeſſion by the Plymouth proprietors, the Indian deed produced, and the arguments for extending their patent towards the ſea, ſo far as to include the ſoil in controverſy, were too powerful for an obſolete indefinite grant; and his lordſhip loſt his caſe, and with it his title to be a freeholder in Maſſachuſetts.

There were perſons who came from England, by the name of Edgcomb, and ſettled on Saco River. Their poſterity is there now: and it is ſaid that they were a branch of Sir Richard's family. The claim made for Sir Richard Edgcomb, in the year 1718, was made by one John Edgcomb, who lived in the Diſtrict

of

of Maine, and was one of the family of Mount Edgcomb in Great Britain.*

In the year 1632, and for a few years after, Walter Neal, who was agent to Gorges and Maſon, ſold lands on the eaſt ſide of Piſcataqua River. There are no other grants, from Gorges and Maſon jointly, to be found on record.

Another grant was made, in the year 1629, by the council of Plymouth, to Beauchamp and Leverett, of a tract of land on the river Penobſcott, lying and being between the river Muſcongus on the ſouth weſt, and extending ten leagues north eaſt of Penobſcott River, and ten leagues into the country. The heirs of Brigadier General Waldo, have the fee of that tract, and the general court have eſtabliſhed the boundaries of it.

If the European princes had no right to grant the lands on the American continent, it may be aſked why thoſe grants, which proceeded from the one made by King James, are now held ſacred? the anſwer to this queſtion is, that if individuals who, from the nature of things, and from the exigencies of their own circumſtances, were obliged to leave a country filled with inhabitants, and to ſeek a ſubſiſtence from ſuch parts of the earth as were uſeleſs to the human race, had come into the country promiſcuouſly, without a power to whom they were anſwerable for their conduct, and which, while it defended their ſeveral poſſeſſions againſt the invaſions of each, could ſuperintend their conduct,

* There is no doubt, but that Gorges and Edgcomb, intended the lands contained in the grant to be on the weſt ſide of Saco River, which was then called Sagadahock. The Edgcombs who have been mentioned were no doubt of the younger branches of Sir Richard's family, and were ſent over to poſſeſs the territory, which was then in the poſſeſſion of Dr. Smith and others, under a grant from the Council of Plymouth.

they would have been unable to have proceeded in their ſettlements. The firſt ſettlers, from each European nation, being united in one ſovereign power, and coming to America, under the idea of a government, had an advantage which a promiſcuous unaſſociated multitude could not poſſeſs. The grants then from the ſeveral princes of Europe, ſerved to unite the ſubjects of each, under the laws of their parent ſtate; and to protect them againſt the invaſions and hoſtile combinations of each.

The council of Plymouth, in the year 1629, granted to Thomas Commock, five thouſand acres in Black Point, now in Scarborough, which are held on the eaſt ſide of that town, under the title of that grant, at this day. Commock was the nephew of the Earl of Warwick, and came over in 1663, and died at Scarborough. It appears, that the council made all their grants in the years 1629 and 1630. Whether they were thus hurried by an apprehenſion, that the crown would vacate their charter, and reaſſume the power of granting, can not now be certainly determined; but it ſeems to be very evident, that they were hurried by that idea, into the miſtakes and confuſion which attended their proceedings.

A part of the grant made to Commock, was afterwards under the diſpoſal of the proprietors of Scarborough. And a part was ſold to Joſhua Scotton. One Joſſylin was an inhabitant within that patent, and remained on the lands until the town was deſtroyed by the Savages in the year 1690. Joſſylin was a great friend to Gorges, and an enemy of the New England Puritans.

CHAPTER

CHAPTER VII.

Of Titles from the Natives.

THERE may be as many objections againſt the right of the Natives to ſell lands in America, as there are againſt that of the Europeans: and there may be, therefore, an inquiry for the origin of land titles in the country. If a patient hearing is given whilſt a few arguments ſhall be offered, it will appear that neither the Europeans or the Savages had a right to ſell the lands; and yet, that the titles are fairly and regularly derived, and held.

The earth was made for man. Without applying to any evidence of an expreſs grant, we muſt be aſſured, that man was created with a ſuperiority over other animals, which preheminence gave him the government and diſpoſal of the world. The exigencies of his nature compel him, by toil, to till the earth for food, and the faculties of his mind, prompting him to an excellency in the arts, give a certain indication, that he was intended to beautify with dreſs, and to ornament with architecture, that part of creation which was aſſigned to him. The propenſities of his nature, irreſiſtibly urge him to multiply his ſpecies, while a numerous progeny muſt be conſidered as the glory of his exiſtence, and one part of the great deſign of his creation.

The nature and powers of the earth, afford convincing proof, that it was made, not merely for a ſubſtance to ſupport the weight of, and to produce food for animals, but that it was intended to employ the noble

noble faculties of rational nature, in new modifications and improvements. This amounts to even a divine precept, that man ſhall cultivate the ſoil, and carry the maſs of matter over which dominion is given to him, to the higheſt pitch of uſefulneſs to which his powers can raiſe it; to neglect to do this, would be criminal, becauſe, by ſuch neglect, he would refuſe to exerciſe thoſe faculties, which his Creator has beſtowed upon him.

That the whole earth is intended ultimately to be improved, in the higheſt ſtile to which improvement can be carried by men, is a propoſition that no reaſonable perſon will diſpute. This improvement muſt, in the nature and conſtitution of the world, be progreſſive. The mighty mountains, and the deep and dangerous moraſſes, will in their turn become ſubject to the hand of agriculture, and yield to man a compenſation for his labour. As the globe ſhall be filled with inhabitants, neceſſity will compel men to ſubdue thoſe rugged ridges which appear now to lift themſelves proudly above the dominion of human art. The uſeleſs places of the ſea, and beds of the unneceſſary rivers, will ſupport the high raiſed columns of architecture, and bear cities crowded with buſy inhabitants. Thus, in the general order of the world, the earth is to progreſs from being a rude maſs of matter, till it has reached the higheſt ſtate of elegance to which the nobleſt refinement of human reaſon can bring it. Separated from a chaos, it exhibits a barren ſurface; then becomes an uninhabited and deſolate deſart; then the habitation of beaſt, and birds; then the haunts of roaming and unſocial barbarians; then the dwelling of ſavage tribes;

tribes; and finally the high cultivated, and beautifully decorated ſoil of civilized nations.

To aſſert that the Savages of North America had no property in the ſoil of the country, will be expreſſing a new opinion; and may perhaps draw the attention of thoſe, who feel from habit, or education, the ſtrong force of an old and very different one.

To give this queſtion a fair chance, it will be proper to ſtate ſome general ideas of the origin of property.

Mr. Lock, Vatelle, and other great men, have conſidered property in external things, to have originated from man's annexing his labour to ſome part of the great maſs of matter, and by thus ſeparating it from the common ſtock. The part to which the labour is annexed, is changed in its form, or in its ſituation, and thereby rendered more uſeful to the perſon by whoſe force it is altered; while the portion thus rendered apt for uſe, holds the form, or keeps the poſition to which the exertion of the agent has brought it, the property will remain in the man, who has thus acquired it; or in ſome perſon who by ſucceſſion, inheritance, or tranſfer, on legal principles, ſhall repreſent him.

Antecedent to an eſtabliſhed government, a nation cannot acquire property: and an individual muſt acquire it as I have ſtated.

Had the whole human race been created without ability to gain advantage from the improvement and the cultivation of the earth, it might be juſtly doubted, whether there could be ſuch an idea as that of excluſive permanent property in land. Indeed, in that caſe, the earth would appear, not to be made for man, but for ſome ſuperior order of animals. But with the powers and faculties now poſſeſſed by the human race, they are exactly

exactly ſuited to the place in creation which they occupy. The cultivation of the earth has been always progreſſing to a ſtate of equality: where a country has been in the poſſeſſion of barbarians, ſome of the members of thoſe nations, who have poſſeſſed the art of calling the powers of the earth into exertion, have migrated to the unimproved wilderneſs, and taught the barbarous natives the benefits of agriculture. And where agriculture has been carried to higher perfection in one realm than it has been in another, the people of the former, by parting with the ſmall circumference of their ſtinted fields, have exchanged their ſituation for one, where a larger ſhare of ſkill and labour has been renumerated with an augmentation of produce. And where a want of ſkill, or induſtry, in a country, has exhibited one man's field in a fruitleſs point of view, his wary neighbour has generally, at a cheap price, ſucceeded to his poſſeſſions, and clothed the ſame field with a ſmiling harveſt.

The land in America, which could ſupport one Savage only, according to his mode of living, is capable of being brought to ſupport five hundred. If then the encreaſe of the human race, is the encreaſe of glory and happineſs, and if the glory and happineſs of mankind is intended by the author of their nature, to be brought to an higher ſtate of perfection, that perfection will not be completed until the powers of the earth, and the ſea, are all exerted in the ſupport of as great a multitude as can be ſupported by both.

If man has a natural right to any thing, it is to a ſupport from one of his parents, during his helpleſs ſtate of infancy: this he has in common with other animals. He has alſo an excluſive right to his bodily and mental

powers,

powers, and conſequently a right to exiſtence; and therefore, when the country is ſo full of inhabitants, that a part muſt ſuffer, any one of them has an indubitable right to ſeek ſubſiſtence in a country leſs crowded. If in the country to which he ſhall migrate, there is no ſoil but what is the property of the nation exiſting there, or ſome individual member of it, he muſt come in by purchaſe; but if he can find a ſpot not thus appropriated, he has clearly a right to ſeize upon it as his own. The difference of nation, or country, is no objection, becauſe the earth belongs to the ſons of men indiſcriminately, until there is an excluſive appropriation. His not having force enough to maintain his poſſeſſion againſt his neighbours, is no objection to the principle.

There may be a ſuggeſtion, that the wilderneſs of America, in the ſtate it was found by Europeans, was ſuited to the nature, ſtate, and habits of the people found here, and that therefore, it was unjuſt for the Europeans to take poſſeſſion of the country. There is no argument in this ſuggeſtion; for if the encreaſe of mankind is an object, it could not be effected by the manner of a Savage life; and if the author of human nature had intended this continent, as only a field for the chaſe, the earth in America would not have been endowed with thoſe powers, which at the ſame time invite and reward the hand of agriculture.

We know, that whatever a man in a ſtate of nature becomes fairly poſſeſſed of, is his, while his poſſeſſion continues; but the moment he abandons it, the next poſſeſſor has the ſame claim. There is a queſtion that carries the mind near to the line which divides the principles of ſimple natural rights, from the firſt ſtep to municipal laws. When a Savage has killed his deer,

deer, and ſatiated his then preſent appetite, he hangs the reſidue on a tree to keep it from the wolves and foxes, until he ſhall return: and the queſtion may be, whether his property is ſtill continued in the veniſon, excluſively of all others. Where there is no tribunal to puniſh, there can be no ſanction to civil law; and it is very clear, that the Savages had none; but the fear of a retaliation may be ſuch among them, as to prevent the violation of ſuch a kind of poſſeſſion as the one above mentioned.

When a whale, or other fiſh, is ſubdued, either by a Savage or any one elſe, we conceive that the perſon who has ſubdued it, has an excluſive property in the fiſh. In ſubduing the ſea animal, thoſe who are engaged in the buſineſs, do not gain a property in the waters which they paſs upon. Nor do the Savages, while they traverſe the wilds, in the chaſe, for ſubſiſtence, gain a property in the ſoil they paſs over. There has been, no doubt, a practice for diſtinct tribes to divide the wilderneſs for the purpoſe of hunting; and that they have generally held ſuch diviſions ſacred, there may be good evidence of; but thoſe diviſions were never intended as the lines marked for tillage and other improvements. There is a faint ſpecimen of agriculture among the nations who live on the banks of the Lake Ontario; but the fields are not the inheritable eſtates of families. When the one who has the poſſeſſion dies, the land reverts to the nation, or tribe, and is by them again aſſigned to ſuch perſon as they chuſe to give it to. We have an inſtance of this nature in the diſtrict. The Penobſcott tribe who now exiſt there, are conſidered as the ancient poſſeſſors of a quantity of land there. The government has in conſideration

of

of that, assigned them a larger tract of about the contents of twelve miles wide, and thirty miles long. The people of that tribe have no division among themselves, but hunt in common upon it; nor does any part of it descend to any man or family among them.

As the Savages had no ideas of a permanent use and improvement of the soil, or ever had a personal, or individual right in it, or ever by annexing their labour to it, rendered it better, or more apt for the use of man, I am led to conclude, that they had no more property in the soil on which they hunted, than they had in the waters in which they fished. They raised some corn, beans, pumpkins, and other vegetables in New England and Canada,* but did not claim a permanent exclusive right in a particular place, or to any particular part of the lands.

But if the Savages had no property in the soil, how can the people of America derive titles from them? or if the European sovereigns had no right to grant the lands in America, why are the titles under their charters held sacred?

The answer to the first is, that the purchases were always of a sachem, or of some one who pretended to that dignity of character. And that if the Indians made a chief for the purpose of leading them in war, and to declare when a war should begin, and when it should end; and to determine on the causes of war, and on the motives to peace, it would by no means follow, that he should have power to sell their lands. The Indian conveyances clearly amounted to nothing more than a contract, made by the chief, on consent of his tribe, that the Savages should not make war on the white people

* Ogilby's Voyages.

people for taking lands to a certain extent into poſſeſſion. In this way, we may account for one ſachem's ſelling the ſame tract to ſeveral different purchaſers: for if the deed was only an agreement upon peace and friendſhip, there could, in the Indian's view, be no immorality in making the contract with as many as might appear to demand it. And a wiſh in ſome of the Savages to trade with the white people, and to learn the art of agriculture, might be a principal motive.

In anſwer to the ſecond queſtion, it may be obſerved, that by the anſwer to the firſt, it appears that the wild lands of America, are conſidered as not being under any ſpecial appropriation to any man, or nation of men, but as belonging to the common ſtock of mankind: and therefore, that he, who ever he might be, who firſt poſſeſſed himſelf of the ſpot with an intention to cultivate it, ought to be conſidered as the proprietor, in excluſion of all others.

The ſovereigns of nations have always claimed a dominion over their ſubjects, even when they have been without the realm: and as this continent was diſcovered about the ſame time by the Spaniards, the French, the Engliſh and the Dutch, the diſtinction between the ſubjects of each, in this country, would have been loſt, if they had not been ſeverally governed by the laws of their ſeveral ſtates. The ſubjects of the Engliſh King would have very ſoon got into deadly contentions amongſt themſelves, if there had not been laws to govern them. The bounds and limits of their titles were indiſpenſibly neceſſary to a ſtate of civil government; and ſuch boundaries and limits neceſſarily led the ſettlers to acknowledge a certain ſuperintending power; from which, by a legal fiction, appurtenant to royal

prerogatives,

prerogatives, they ſuppoſed they drew their titles. But the fact was, that they held their titles by a right of prior occupancy, and the lands have been handed down by inheritance, or transfer, from that day to this, under a title originated by taking the land at firſt as the gift of God to man, as ſoil which had never been appropriated to the uſe it was created for, until an European poſſeſſed it, and as the right of the firſt poſſeſſor who annexed his labour to it.

The grants from the Savages took away one pretext to war, and the charters from the ſovereigns compelled the planters to be at peace among themſelves, and led them to acknowledge and apply the ſame principles of government to their property here, as were applied in the kingdom from whence they came.

That the opinions of the people of this country in general, have been contrary to this hypotheſis, is no ſolid objection to it. There have been many inſtances, in which mankind have acted from motives, founded on principles of which they have been totally ignorant. Had the firſt planters in North America, ſeized upon the wilderneſs here, as upon unappropriated and vacant lands, they would have been obliged to enter into a compact with the Savages that they ſhould enjoy their poſſeſſions without interruption: and as men from ſeveral countries came here at the ſame time, the Engliſh were obliged to look to their parent ſtate for protection; and to ſome ſuperintending power, as an arbiter between the different colonies, and between the individuals of the ſame place or plantation.

If nations crowded with inhabitants, could not migrate, the conſequence would be, that they muſt die of hunger, or deſtroy each other. In China the people

have no idea of colonizing, becauſe there is no part of the world, excepting that empire, which is ſuitable to the ſuppoſed dignity of a Chineſe: they therefore contrive many ways to ſanction the deſtruction of the human ſpecies, by acts of violence. Many children are deſtroyed, by being thrown into the water, and by other means, under pretence of their being decrepid, deformed, or being born on inauſpicious days. And the aged, or infirm, are diſpatched on principles of pity, to relieve them from an inſupportable load of years. Whether the burning the wives with the corps of their huſbands, in the empire of Indoſtan, is founded in the ſame policy, is not certain. There can be nothing clearer in reaſon and philoſophy, than that a people thus ſituated, have a right to change their reſidence, and to gain a ſubſiſtence on any part of the terraqueous globe, where they can find the ſoil, neither appropriated, or poſſeſſed with an intention to appropriate it to the uſe for which it was made.

There is an objection to this mode of reaſoning, which ought to have its full ſhare of conſideration. If the Savages cannot be incorporated with the emigrants, or become civilized as a nation, it will clearly follow, that they will by degrees be extirpated, and finally ceaſe to exiſt as a nation. A writer is not obliged to hold himſelf accountable for the conſequences of any of the eſtabliſhed principles, upon which this world is projected: whether we ſee it or not, all are eſtabliſhed in wiſdom, and will be improved for the higheſt advantage of the human race collectively. The religion of nature, the light of revelation, and the pages of hiſtory, are combined in the proof, that God has ordered that nations ſhall become extinct, and that others ſhall take their places.

The

The Savage has his day; and enjoys life according to the taſte and habits he poſſeſſes; he caſts his eyes abroad, over the extenſive wilderneſs of his wild domain, and ſighs at the apprehenſion that his nation and race muſt ceaſe to exiſt, and that his mighty foreſts muſt finally bow to human ſtrength; and that the hills and the vallies, where he has enjoyed the chaſe, ſhall be covered with the cities and the cultivated fields of white men. His agonies, at firſt, ſeem to demand a tear from the eye of humanity: but when we reflect, that the extinction of his race, and the progreſs of the arts which give riſe to his diſtreſſing apprehenſions, are for the increaſe of mankind, and for the promotion of the world's glory and happineſs; that five hundred of rational animals may enjoy life in plenty, and comfort, where only one Savage drags out a hungry exiſtence, we ſhall be pleaſed with the perſpective into futurity.

If there is a contention on this point, it muſt be with the decrees of Heaven, and let them gird on the ſword of conteſt who chuſe to do it. But without explanation there may be an apparent foundation for a charge of advancing a poſition, that the civilized people may take the land of the Savages when they ſhall pleaſe.

It has only been ſaid, that when a nation is crowded, ſome of the inhabitants have a right to migrate, and to take lands where they ſhall find a country unimproved, in the way which nature intends. There is no privilege, or right, but what may be practiſed upon, in a licentious and erroneous manner. There is nothing that has been advanced, which will juſtify a man's taking the land of a Savage, or rather land in a ſavage country, but an abſolute neceſſity to gain a ſubſiſtence which he cannot obtain without.

The idea of obtaining vacant lands to ſell again, is clearly wrong, unleſs the purchaſe is made, to promote a ſettlement of a number, in ſimilar circumſtances of want and diſtreſs. The purchaſe of preemptive rights, either with, or without the licenſe of a government, is clearly wrong; becauſe the very form of the purchaſe, is evidence that the ſoil is not then wanted for the ſubſiſtence of man; and the anticipation of the poſſeſſion, only tends to raiſe the price to be given, when there ſhall be a neceſſity to cultivate the wilderneſs for the ſupport of a part of the human race.

If the contracts made by individuals with the Savages reſpecting territory, were only for an uninterrupted poſſeſſion of lands contained within certain boundaries, it was of great conſequence to the governments, whoſe ſubjects made the contracts with the Indians, that thoſe ſhould be ſuch, as would ſecure that object; and the governments had therefore a great intereſt in the fairneſs and rectitude of the contracts. This produced an indiſpenſible neceſſity for each government of the colonies, to control, and direct the trade with the Indians, reſpecting their ſales of licenſe to improve lands.

The colony of Maſſachuſetts, at a very early date, in the year 1633* paſſed an act prohibiting the purchaſe of lands from the natives without licenſe obtained from the government. The deeds of the lands in Concord, Sudbury, and Marlborough, have an atteſtation of ſuch licenſe annexed; and all the titles were undoubtedly attended with the ſame circumſtance, ſo far as there were purchaſes made within the ſettled limits of the old colony: though there are no deeds on record in Maſſachuſetts

* Recited in a law made in 1701.

Maſſachuſetts Colony prior to the year 1640, which were executed by the natives.

There is ſomething rather curious in the mode of treatment given by the Maſſachuſetts and by Plymouth colony, to the purchaſes of territory from the natives, within what is now the Diſtrict of Maine.

Gorges and Maſon had been conſidered, before the year 1640, as enemies, in principle, to the New England colonies; they were both anti-republicans, and were ſtrong Epiſcopalians. They ſettled no orthodox clergymen, according to what the neighbouring colonies called orthodoxy, nor indeed did they before that year, eſtabliſh or ſupport any kind of government; or ever attempt to eſtabliſh any form of worſhip; nor did they pay any attention to public ſchools. It was very evident that they held all the Puritan regulations in contempt. Their government over their ſervants, vaſſals, and tenants, from a want of thoſe regulations, became weak and inefficient; and we therefore find their conſtant complaints of being plundered by their ſervants, cheated by their agents, and of being deſerted by their vaſſals.

The civil wars coming on in England, gave Maſſachuſetts a fair hope of extirpating a neighbour from whom ſhe in a future day might ſuffer. The general court therefore contemplated an extenſion of their charter to the eaſt, as far as would take in the whole country to the grant on Kenebeck, made to their ſiſter colony, New Plymouth; this would ſwallow up both Gorges' and Maſon's patents.

Gorges wiſhing to have the other colonies annihilated, and to have a general government over the whole country, urged the point of the king's reaſſuming the

lands granted by his anceſtor, and making new grants of the whole; and according to this idea, he and Maſon having ſurrendered their title, he took the charter in the year 1639 for the Province of Maine.

The Maſſachuſetts, in the year 1643, came to a reſolution to extend their charter as far eaſt as Caſco Bay. They were, however, very conſcious that this conſtruction might at leaſt be a doubtful one, wherefore, though they had expreſsly prohibited the unlicenſed purchaſe of lands from the natives within their colony, and though they extended their colony near to the New Plymouth patent, yet they cheriſhed and countenanced the plan of individuals obtaining deeds of the natives at their own pleaſure, and where they pleaſed, in the Province of Maine, and in as great quantities as ſuited their convenience, or would gratify their taſte. This mode of procedure alarmed the colony of Plymouth; for if the Indian deeds ſhould be held as paramount to the grants of European princes in one inſtance, the idea being popular, would ſoon become univerſal; and their title as a colony, to a colony, might eventually be rendered nugatory. To prevent this, in the year 1643, the government of that colony paſſed an act in theſe words. "It is enacted by the court, and the authority thereof, that no perſon, whether inhabitant of this government, or other, ſhall purchaſe, hire, or receive of gift, of any Indian, or Indians, any lands that ly within the lines of this colony." By *this colony*, they meant, as well the patent, as the charter on Cape Cod. They did not allow the people on the patent to vote or act in the general court; or the people there, being few, and inconſiderable, did not chuſe it: but as the patent had no governmental powers, it was conſidered as under the

laws

laws and government of the colony to which it was granted.

The government of New Plymouth, attempted to eſtabliſh a government on the banks of the Kenebeck, in order to prevent the evils which they ſaw would ariſe by means of the purchaſes from the natives: but this attempt was too feeble to render their intereſt any eſſential ſervice, and they found it neceſſary to be quit of the trouble, by a ſale of the patent.

A detail of purchaſes from the natives, will be a dull entertainment for the readers in general; but thoſe who may be inhabitants of the Diſtrict of Maine hereafter, may be gratified by finding in print, a hiſtory of the origin of their titles to their eſtates.

The firſt conveyance from the natives, which can now be found, of lands within the Diſtrict, was made by Mr. Knowles, in the year 1643, to Humphrey Chadbourne, the great grandfather of the Hon. Benjamin Chadbourne, Eſq. who is now in poſſeſſion of the lands conveyed.

Another was made in the year 1650, by Mr. Knowles, the ſachem of Newickawanick, to Thomas Spencer, of the lands at Quampeagan, and extending up to Salmon Fall brook, but how far back from the river is uncertain.

From the year in which Chadbourne purchaſed, to the year 1649, there was a doubtful conteſt in the government of Great Britain, which had a very peculiar effect on the purchaſes from Indians. The lands had all been granted by the crown, and a re-grant had then been lately made to ſeveral noblemen, of all the lands in North America. If king Charles was able to ſupport his conteſt againſt the parliament, the Indian titles would become nugatory, and be held as void;

but if the republican ſide ſhould prevail, then the Indian deeds, as oppoſed to royal grants, would be held valid.

The year 1648 ſettled the matter in England, for a time at leaſt, and the ſucceeding year gave a ſyſtem of proceedings reſpecting ſuch purchaſes in this country. Charles was dead, and the republican party eſtabliſhed; and of courſe any claim againſt a royal grant would have weight, among the republicans who found theſe large patents dangerous to that equality, in church and ſtate, which was found to be neceſſary in a popular government.

In the year 1649, John Richards, who lived on an iſland on the eaſt ſide of Kenebeck River and near the ſea, called Jeremyſquam, purchaſed the Iſland of Robinhood, the ſachem of the country. John King, who was a witneſs to the deed, appeared before governor Bellingham, and made oath that he ſaw Robinhood execute the deed. The governor's certificate, on the deed, is in theſe words. "John King teſtifys upon oath, that in his preſence Robinhood did ſeal and deliver this writing, unto which he ſet his mark as witneſs to the ſame. Taken before me 22 6mo. 1654. Ric. Bellingham governor." I do not find any deed, excepting the two which I have mentioned, that was given before the oath taken on the deed to Richards before governor Bellingham. The proof of an Indian deed before the governor, was at once giving a ſanction to all purchaſes of that kind, and a complete acknowledgment of the Indians' right to convey. There is no record of the public opinion on this ſubject at that day; but we have no reaſon to believe that Bellingham acted againſt, or even without the ſupport of the government,

ernment, and the concurring opinion of the people of the colony.

One John Parker, who lived on an iſland near to that called Jeremyſquam, and on the eaſt of the mouth of Kenebeck or Sagadahock River, called by the Savages Reſkeagan, now called Parker's iſland, purchaſed that iſland of one Damaze, an Indian, in the year 1649, with all the land on the weſt ſide of Kenebeck, from the ſea up to Winegance Creek. When this land was claimed and entered in the book of claims, in the year 1718, it was claimed as a purchaſe from Robinhood. It may be ſuppoſed that the Indian who ſold, had, as uſual, ſeveral names. The land on the weſt ſide of the river, includes what is called Small Point, and is bounded by the waters of Caſco Bay on the weſt. The purchaſe of Parker is now the greater part of Georgetown; and ſome of his deſcendants live on the land at this day.

The lands on Arrowſike, or as the Savages called it, Arroſeag Iſland, were ſold in the year 1660 to Roger Spencer, and Thomas Clark. This iſland contains the reſidue of Georgetown, and has the meeting houſe upon it. Sir Biby Lake was afterwards intereſted with Clark in the Indian conveyances, but how he came in is of no conſequence in the preſent inquiry.

All the lands on both ſides of the river Kenebeck, were purchaſed of the Savages, between the year 1649 and the year 1660.

Kenebis, and Abbagaduſſett, ſold to Spencer and Clark all the lands on the river, ten miles on each ſide, and up to Neguamkeag and Teconnett Falls. In 1654, Robinhood ſold the town of Woolwich, on the eaſt ſide of the river, by the name of Neguaſſeag, to Edward Bateman and John Brown. The town is now

held

held under the Indian right. The lands on Muddy River, were ſold to Thomas and Samuel York, by Jerumpkin and Devele Robin, in the year 1670. The lands on the weſt of Kenebeck and on Stevens' river were bought by Thomas Stevens, of Elderumkin, and Daniel Robins Nenement. The river called Stevens' River, took its name from this planter's living on the bank of it, under this purchaſe. The lands over againſt Swan Iſland, on the weſt ſide of Kenebeck, were ſold in the year 1672 to Margaret Stevens, who was, as is ſuppoſed, the widow of Thomas Stevens. Near to Stevens' purchaſe, and on the ſea, is a neck of fine land, called Merryconeag, now in the town of Harpſwell, which was purchaſed in the year 1674, by one William Lyman; but after the purchaſe from Gorges' grandſon by the colony of Maſſachuſetts, and in the year 1682, the lands were granted by the government to the college. The Indian grantee and the college were treated alike by the ancient ſettlers: neither got any thing of conſequence by their grant.

There was a very extenſive grant of the lands on the river Androſcoggin, made in the year 1654 to Thomas Purchaſe. The people who claim that land have extended it far up the river; but as there is a conteſt begun between the proprietors and the commonwealth, it will not be fair to publiſh an opinion upon the extent of the deed under which the Peppſcott proprietors claim.

Jerumpkin ſold the lands on Muddy River to Thomas York, in 1670. There has been no claim eſtabliſhed under that conveyance. Between the above mentioned tracts and the river Saco, there were no grants of conſequence made by the natives; we may therefore return to the Indian titles eaſt of the Kenebeck.

Land

Land which has ſince been called Trott's Neck, in the ſoutherly part of Woolwich, was ſold in 1685, by Agamagus, otherwiſe called Moxus, Egremet, and Eſſemenſco. Moxus was a noted warrior, and an acknowledged chief in his day. It ought to have been mentioned that the ſale of Swan Iſland, in Kenebeck River, was made in the year 1667, to Humphrey Davie, by Abbagaduſſett. This was afterwards claimed under that title by a Sir John Davie, ſometimes called in England Sergeant Davie. He was a ſergeant at law in that country.

The ſachems called Kenebis and Abbagaduſſett, were generally united in their grants, and appear to have ſold nearly all the lands on the Kenebeck River, to one and another, and the greater part ſeveral times over.

If any of the Indian titles could have been eſtabliſhed in oppoſition to that under the Plymouth patent, one made in the year 1649, by Kenebis, to Chriſtopher Lawſon, and aſſigned in the year 1653, to Clerk and Lake, would have ſucceeded. This deed was fortified by ſeveral others, and contained the land up to the fall of Teconnett, but the proprietors under it, became diſcouraged, and were contented to ſettle a line ſouth of Eaſtern River, where the head of Woolwich now is.

The Indian deeds laſt mentioned, were obtained with a view to oppoſe the right of the new Plymouth colony, and were never attended to, until that government attempted to eſtabliſh an excluſive right to the trade and fiſhery of the river. To this it may be added, that the purchaſes were made, much under the

countenance

countenance of the people and government of Maſſachuſetts.

Walter Phillips, who lived on Damariſcotia River, purchaſed, in the year 1661, certain lands at the lower end of the Pond in Damariſcotia, and ſo extending over to Caniſſex River northweſt, and three leagues up into the country from the mouth of Freſh Falls. This deed was ſigned by Joſle, and his brother, and Agelke his wife. He calls himſelf the Sachem of the land there. The deed was recorded in a book called the Sheepſcott Records in the year 1667. Another deed appears, as made by Wittenoſe, and Eludugles, to the ſame Phillips, in 1662, of certain lands whereon he lived, from Pedgodagowake down below the houſe of ſaid Phillips, where the natives uſed to carry their canoes over to the river Caniſſex. Where that river was, may be uncertain; but perhaps it was the Sheepſcott. The grantees in this deed were the ſons of Joſle, and meant to confine their father's grant. Both theſe deeds begin with theſe words; "Walter Phillips *may well and peaceably enjoy and poſſeſs* from the date hereof," which ſhews that theſe grants were intended only as an agreement not to diſturb his poſſeſſion. The ſame Wittenoſe ſold lands at Sheepſcott Falls in the year 1666.

There were lands purchaſed in the year laſt mentioned, of one Jack Pudding, on Monſeag River, near Cowſeagan Narrows. This is now called the Cowſeagan claim, and held under that deed.

One George Davie, was an early ſettler on Sheepſcott River, and had his houſe not far from Wiſcaſſett Point. He purchaſed a large tract of land in the year 1663, of Vichodehant, Quaſſememock, and Obias, alias,

alias, Daniel Dick Swaſh and Diogenies, natives and Sagamores of Sheepſcott. This purchaſe was to extend to Kenebeck weſtward; but the Cowſeagan claim, and the deeds to Clark and Spenſer, have been ſo managed, as to reſtrict the bounds of the tract to a line within one mile of the weſt ſide of Sheepſcott River. The flouriſhing village of Wiſcaſſett is under this title; and two other deeds, made by the ſame Indians, of the ſame date, convey the lands on the oppoſite ſide of the river, to the ſame George Davie. Theſe lands came by inheritance and transfer to a number of wealthy men, who in the year 1734, at Boſton, aſſociated under the name of the Boſton company: but afterwards held their regular meetings under the name of the Jeremyſquam and Wiſcaſſett proprietors.

The Indian wars, which were commenced in the year 1675, and continued with but few and ſhort intermiſſions, until the year 1747, rendered the eaſtern lands of little value to the nonreſident proprietors; but as ſoon as the white people had gained ſuch ſtrength as to expel, or reduce to amity the ſavage tribes near the ſea, the proprietors were very induſtrious in recommencing their claims, and in reviving their obſolete titles. The Indian deeds, while the boundaries claſhed with, and interſected each other, completely covered all the grants made by the crown, and the council of Plymouth, excepting a part of Gorges' patent. The deeds were taken for that purpoſe. From this was produced a ſcene of confuſion and diſtreſs, which retarded the ſettlement of the country, and ruined a great number of the inhabitants: innumerable law ſuits were commenced,

commenced, and every title, in its turn, was called to the aid of ſome ſuffering or diſtreſſed ſettler. The grants under the European titles conveyed the ſame lands to ſeveral different grantees, and the Indian deeds did the ſame. This obliged the courts, finally, to come to a determination that where there had been actual entries, and ancient ſettlements, theſe ſhould be preferred to any other title whatever. This was done on the idea that neither had a right to ſell. But from this aroſe other difficulties which increaſed the number of unhappy litigations. The government held the Province of Maine under a grant from the crown to Gorges; it would not do to relinquiſh that; wherefore it was decided that where there had been no actual entries, or ancient poſſeſſions, the European titles ſhould have the preference. This principle eſtabliſhed the proprietors of the Plymouth patent, in the right to a large tract of country. The idea of actual entries, and ancient poſſeſſions, being ſuperior to Indian or European grants, ſuggeſted the idea of holding againſt both, by mere poſſeſſion: and as a jury was to try each iſſue, the hope was in a prevaling partiality, let the opinion of the judges be as it might. Before the time of the trials on the patents and Indian deeds, there was no inſtance of taking poſſeſſion without ſome colour of title. All theſe principles and circumſtances combined to fill the country with law ſuits and controverſies, to the great diſtreſs and impoveriſhment of the inhabitants. Nor is the calamity yet over; and it may be added, that unleſs ſome meaſures can be taken by the legiſlature to put an end to the litigations, the Diſtrict will groan under the injury for a long time to come.

There

There was a deed obtained, in 1694, by governor Phips of Madockawando, to cover the lands granted to Beauchamp and Leverett on Penobſcott river; but the patent being always conſidered as valid, no uſe has been made of the deed.

When the general court of Maſſachuſetts, in the year 1718, appointed commiſſioners to receive the claims in the eaſtern country, a book was provided for the regiſtry of the proceedings. This meaſure was neceſſary, becauſe the war, which was then over for a ſhort time, had drawn the people in the Province of Maine and territory of Acadie, from their habitations, and nearly depopulated the country. Beſides this, the titles upon the records, appeared ſo numerous and were ſo uncertain in their deſcriptions, that ſome particular evidence had become neceſſary.

When the book of claims was opened, John Miliken appeared to claim a tract at the head of Dunſton River. His title he derived from one John Alger, his grandfather, on his mother's ſide; and the evidence produced to ſupport it, was the declaration of an Indian woman, who in the book of claims was called Jane, but in the depoſitions taken, was called Janap Hannum. She declared that her huſband ſurrendered the poſſeſſion of the lands, to Alger, and that ſhe heard him declare that Alger ſhould have the ſame. Alger was killed by the Savages, and his heirs appeared with their claim when the war was over. The family of Miliken, in Scarborough, and their grantees, are in poſſeſſion of the tract at this day. The courts always adjudged the title to be good.

Notwithſtanding the grants from the council of Plymouth to Gorges and Maſon, to Dy, Vines, and Oldham,

on

on the river Saco, one William Phillips, commonly called Major Phillips, who lived on that river, purchaſed of the natives all the lands from the ſea up into the country.

One deed, dated in the year 1661, was made by captain Sunday of Three Hills of Rocks, thirty five or forty miles above Saco Falls. This was intended to grant, what Phillips ſuppoſed was a treaſure of great value; for there was then, and ſince has been an idea, that ſome rocks on Saco River, or near it, which ſhine very much, by reaſon of their having a great portion of iſinglaſs, or talke in the clifts, were richly impregnated with ſilver: but there are ſo many hills there, which have the ſame appearance, that it has never yet been aſcertained which were the hills intended to be granted. Nor would it have been of much importance where thoſe hills were placed, if another deed had not made thoſe an important boundary.

Fluellen, or a ſachem, called Fluellen Sumptimus, in his deed, conveyed in the ſame year, to the ſame Phillips, all the lands from Saco River over to Cape Porpoiſe River, and ſo extending in all that breadth up to Sunday's rocks. When the ſoil became of conſequence, it was neceſſary to find the rocks; if the rocks are really found, yet there has been no ſilver produced from the adventure. Another deed was made by an Indian to Phillips, of lands at the head of Cape Porpoiſe and Wells townſhips, which are now held in Sanford and Waterborough under that title.

There has been always an opinion, that Phillips was a friend to Gorges' family. The towns of Kittery, York, and Wells had been granted by Gorges; Cape Porpoiſe lands were held by Rigby, under the grant to Dy and others. The deeds from the natives

to Phillips, contained all the lands on the weſt ſide of Saco, as far as the country was then explored, or known, excepting the towns ſettled under Gorges' grants: and when Gorges' grandſon ſold to Uſher for the colony of Maſſachuſetts, in 1676, he expreſsly reſerved to Phillips all the lands which he had purchaſed of the Indians. This he would never have done, if Phillips had purchaſed in oppoſition to the family's title. It may be eaſily conceived, that when the colony of Maſſachuſetts had uſurped the government of Gorges' Province, denied the validity of his patent, and countenanced the purchaſes from the natives, that Gorges' ſon, or grandſon, finding the government of the republic then ſet up in England, adverſe to his intereſt, and deſpairing of ever being reeſtabliſhed in his province, might obtain Phillips' agency to ſecure his own property, and to defeat the claim of Rigby and Vines, who were active againſt him. That they oppoſed the government of Lygonia to that of Gorges' province, will appear when we come to treat of the changes of civil government, which have taken place in the Diſtrict.

There was a ſmall grant by a ſachem, to Saunders, Buſh and Turbel, of four miles ſquare, at the head of Wells and Arundle. The lands are now held under that deed and incorporated by the name of Coxhall.

Captain Sunday ſold to Francis Small, all the lands between the Oſſipee Rivers. The original deed, unrecorded, was found in the year 1770, among the papers of the family, who, with their aſſigns, hold the towns of Parſonsfield, Waſhington, Limerick, Franciſborough, and Limington, under it.

The

The lands on the ſouth of the Little Oſſipee were ſold by an Indian to the ſame Small, and one Nicholas Shapleigh of Kittery. They appear to have been partners in trade, and to have bought the lands of Sunday in partnerſhip. The town of Shapleigh is held under that title. Small went to Cape Cod, on the commencement of the Indian wars, and died there. Shapleigh continued at Kittery, where there is a very numerous poſterity of his at this day. He was a man much in public life, and will be again ſpoken of in the courſe of this work.

There may be ſome titles to ſmall tracts under the conveyance of Savages which are not mentioned; but none have been omitted with deſign.

CHAPTER

CHAPTER VIII.

A Deſcription of the ancient and principal Towns; including the Incidents in their Settlements, and the Wars they have had with the Natives.

THE Province of Acadie, was, in the firſt ſettlement of it, connected with the government of Newfoundland; and as the country between the Makagadawick and the Scoodic, was ſettled originally under that government, and may be now conſidered as a part of the Diſtrict of Maine, a deſcription of it can be no injury to the deſign of this hiſtory.

St. Andrews is on a point of land, ſituated on the north of the Scoodic, and on the ſouth of the river which we call the St. Croix, and which the natives call the Makagadawick. The village of St. Andrews, and all the country between thoſe rivers, contain now about ten thouſand inhabitants, including thoſe who live on the iſlands in Paſſamaquaddy Bay. This place was ſettled very early under the French government, and continued to be inhabited without interruption until the year 1704.

The Abbe Raynal gives a very romantic deſcription of the manner of life, which the French led in the country of Acadie. They had no trade, litigation, or controverſy, according to his fanciful account of their manners.

Colonel Church, in the year 1704, went up the river Scoodic as far as he found inhabitants, and deſtroyed all the houſes, and killed, took or drove away all the people.

We do not find that the French ever renewed their ſettlements, to the ſouthward of what we call the St. Croix, and what the natives called the Makagadawick, after their extirpation by Church. The treaty of Utrecht, in 1712, ſettled the boundary at the St. Croix. In the year 1762, the Province of Quebeck being reduced by the power of the Engliſh government, ſeveral perſons went to the north of the Scoodic, to begin an Engliſh ſettlement. Where the French improvements had been, they found the land grown over with young cherry trees and birches: where the buildings had been deſtroyed, they found the remains of chimnies and cellars. In the cellars were found a great number of ſpades, axes, pickaxes, and other implements of huſbandry. The place being well ſituated for the fiſhery, and a trade with the Savages, it has increaſed in wealth and numbers ſince the Anglo Americans have taken the poſſeſſion of it. While the war continued between England and America, the ſettlement was again broken up, becauſe the inhabitants living too near the line of the two governments, to take a decided part with either, were ſubjected to the depredations of both; and were plundered by the privateers of each party.

On the weſt ſide of the Scoodic, where general Lincoln now owns the ſoil, there were French ſettlements, which were deſtroyed by colonel Church's party, or abandoned immediately after his ſucceſsful attack on that place,

From 1635 to 1654, the country between Penobſcott and St. Croix, was in the poſſeſſion of the French.* The Sieur de la Motte left ſome of his people there in 1603.† The French erected a fort at Mount Deſert, which

place

* Report to Council, 1762. † Ibid.

place they called Mont Manſell; the fort they called Sauveur; and they were driven away by Sir Samuel Argal in 1613.* Theſe were all the conſiderable ſettlements between the river Penobſcott and St. Croix.

There were no ancient ſettlements between thoſe on the Scoodic and the Penobſcott, excepting a few houſes on the river Machias, which were erected by one Martion, a French trader. The French nation extended their claim along the ſea ſhore as far as the Kenebeck, and had, on the good harbours, houſes, or rather ſheds, for the purpoſe of trading with the natives. But there were no permanent ſettlements, or good houſes, nor had they or the Engliſh at that time an inclination to improve the country for the purpoſes of huſbandry.

In the year 1633, New Plymouth colony ſent people to Machias to ſet up a trading houſe; but the French, under the government of de l'Ateur, killed two of them and carried the others away.†

PENOBSCOTT.

This is an early ſettlement, and in giving the hiſtory of Penobſcott, we give a hiſtory of all the towns near it. The river was called by the French who firſt diſcovered and took poſſeſſion of it, Pentagoet,‡ or Pentagoevet.§ The people of the colony of New Plymouth, erected a trading houſe there in the year 1626. This was three years before their patent for lands on Kenebeck, and before they had any pretence of claim there: but their poſſeſſion was in oppoſition to the French claim, therefore they had not any body beſides that nation to contend with on the ſubject.

There

* Purchaſe, and Smith. † Winthrop's Journal, page 57.
‡ Council Records of Maſſachuſetts.
§ Collection of Voyages, in College Library, 8 Vol.

There is no doubt but that the French had trading houſes on the Penobſcott, though nothing is ſaid of it either by their writers or ours. In the year 1626, the Americans of New Plymouth colony took poſſeſſion of the country, and continued there until the place was taken from them by the French in 1635. The French, by a ſtratagem, rifled the garriſon in 1632, but the people continued their poſſeſſion until 1635. The manner in which the French reclaimed that, with other parts of the country, will be mentioned hereafter. The French government held the place until 1654.* In that year Oliver Cromwell, under a pretence of an expedition againſt the Dutch, at Manhatoes, now New York, ſent one Major Sedgwick, who turned his courſe that way. Sedgwick took the fort at Penobſcott, and conquered all the country from thence to Port Royal. Cromwell granted the country to colonel Temple and others, who carried on a trade at Penobſcott, until the year 1667, when the country, by the treaty of Breda, was ceded to the French by Charles II. There was no ſettlement by the Europeans for the purpoſe of agriculture.†

After the treaty of Breda, a Frenchman, called Caſtine, took his reſidence at Penobſcott. Some people ſuppoſed him to be a Jeſuit, and others conſidered his perſonal character as equivocal. All were, however, convinced of his entire enmity to the people of New England. Voltaire, and the Abbe Raynal, conſider his character as a very extraordinary one. They ſay, that he was colonel of the regiment of Carignon; a man of good connexions, and of good abilities. He married

* Report of Solicitor and Attorney General in 1731.

† Report of Council in 1762.

married the daughter of an Indian chief, and lived a ſavage life, ſecluded from the world. In the year 1690, Sir William Phips, with an army from Maſſachuſetts, conquered the country from Penobſcott to Port Royal; and Caſtine the younger, and his tribe, became the profeſſed ſubjects of the king of England at a treaty held in 1693. There were frequent hoſtilities committed by that tribe, after that treaty, which prevented the ſettlement and growth of the plantation, on the river Penobſcott. The town is bounded on the eaſt by Sedgwick, on the ſouth by the ſea, and on the weſt by Campden; and extends up the river to Buckſtown on the eaſt ſide, and to Frankfort on the weſt ſide. This place has never been, from the firſt ſettlement of Acadie, until the year 1781, without a garriſon in it, and has always been dealt with by the nations under whoſe government it has been, as a place of great conſequence. The acceſs to it from the ſea is very eaſy, the harbour is adorned with a great number of fine iſlands; the lands are very good; and the advantages derived from the fine and extenſive river which paſſes through it are very great. There are now within the town thirteen hundred inhabitants; and that number is increaſing by the conſtant acceſſion of new ſettlers from every part of the country.

PEMAQUID OR BRISTOL.

THE land where the town of Briſtol is, was granted to Elbridge and Aldſworth, by the council of Plymouth, in 1639. This town is on the river Pemaquid.

There were inhabitants at Pemaquid before the year 1629; for the council for the affairs of New England, acknowledge, in their patent to Elbridge and Aldſworth, that the patentees, by their tenants and ſervants,

vants, had been for more than three years in the poſſeſſion of the country. There were people conſtantly on the ſea coaſt, engaged in trading and fiſhing, from the time when Sir Humphrey Gilbert took poſſeſſion of it under queen Elizabeth, until a ſettlement was made by the Plymouth council under the grant of king James. They were ſtrangers to the coaſt, and appear from their movements to have been afraid of venturing far to the ſouthward before the accidental ſettlement took place at Plymouth.

In the year 1629, Elbridge and Aldſworth took poſſeſſion of the lands at Pemaquid; but their patent contained no powers of government, and we hear but little of them before the year 1666. The bands of civil government being broken in the mother country, the people under the patent were left very much to themſelves. Charles I. in 1633, though he had given up the forts in Acadie to the French, yet he ſaid his ſubjects had a right to fiſh and trade in the country,* which declaration brought over a number of diſorderly people.

In the year 1665, there was a new claim to the land under a grant of Charles II. to the Duke of York, who was afterwards James II. This grant extended from the place "called St. Croix, to a certain place called Pemaquina, or Pemaquid, and up the river thereof to the fartheſt head of the ſame,† tending to the river Kenebeck, and ſo up to the northward, the ſhorteſt courſe to the river Canada."

The people of Pemaquid, who had never been under any regular government, were very ſoon ſubmiſſive to this. The power of the reſtored monarch, the adulation paid him by his friends, the forced reſpect of his enemies,

* Ogilby. † Council Files, Report in 1762.

enemies, and the powerful aid of the French nation, gave a full and ready ſubmiſſion to the government which had his countenance and ſupport.

In the year 1665, commiſſioners who were appointed by the Duke of York ſettled the boundaries between the towns of Pemaquid and Sheepſcott; but a particular account of thoſe tranſactions, will do much better under the head of *revolutions of the governments in the Diſtrict*.

Settlements from the year 1665 were increaſed in Pemaquid. There were a number of people who came down from the Dutch ſettlement at the Manhatoes, or New York. The Duke of York had the New Netherlands, or what is now New York, granted him in the year 1664. His governour, named Dungan, was over this eaſtern grant, as well as that on the Hudſon. The ſettlements increaſed until the year 1680. The government under the Duke erected a fort at Pemaquid, near the remains of which is the ruins of a town: there is yet under the rubbiſh a paved ſtreet, and the cellars of nearly thirty or perhaps forty houſes. The lands there were granted under the Duke of York's title, and many deeds, made by his governour have been exhibited in the conteſts in that country within thirty years paſt.

There are ſeveral copies extant, atteſted by the late ſecretary Willard, in the year 1730, "from the records of Sheepſcott as then in the ſecretary's office;" but there is no ſuch book of records to be found at this day. It is very probable that the book was taken out by governour Hutchinſon, and deſtroyed when his houſe was injured in the time of confuſion reſpecting the ſtamp act: or perhaps it was burned in the town

houſe

houſe in the year 1760. This book was the record of Sheepſcott, kept by Walter Phillips, under the government of the Duke of York, and contained the records as well of Indian deeds, as of the grants under the Duke, and under the ſame perſon as king James II. Phillips, when the country was deſtroyed in the year 1680, fled to the weſtward, and as the tradition is, died at Charleſtown in Maſſachuſetts. The titles of the Duke have never prevailed againſt the grant to Elbridge and Aldſworth, nor againſt the Indian deeds. The conveyances were as of lands under the government of New York. One conveyance may ſerve as an example, and ſhew the tenor of the whole.

"JOHN PALMER, Eſq. one of the council in his majeſtys plantation and colony of New York, and commiſſioner for the granting and confirming of lands within the county of Cornwall in the ſaid colony,

(L. S.)

To all to whom theſe preſents ſhall come or may concern greeting. Know ye that by virtue of the commiſſion and authority unto me given by the right Honourable Colonel Thomas Dungan, lieutenant and governour of the ſaid colony, for and in behalf of our moſt gracious ſovereign lord James the ſecond, by the grace of God, of England, Scotland, France and Ireland king, defender of the faith, ſupreme lord of the plantation and colony aforeſaid, I have given, granted, ratified, and confirmed; and by theſe preſents do give, grant, ratify and confirm unto John Dalling, of Monhegan, in the county of Cornwall, yeoman, all that certain meſuage or tenement ſituate lying and being on the iſland of Monhegan, and whereon the ſaid John Dalling

now

now dwelleth : and all, and ſingular the houſe, out houſes, edifices, buildings, ware houſes, barns, ſtables, orchards, gardens, encloſures, yards, back ſides, and way paſſages, water, water courſes, lights, eaſements, profits, commodities, advantages, hereditaments and appurtenances whatſoever, occupied, poſſeſſed, or enjoyed, or attempted, deemed, and taken, as part or parcel or members thereof, or any part or parcel thereof, and alſo the ſeveral other parcels of land there now fenced or incloſed by the ſaid John Dalling for planting of Indian corn ; with a full third part of a certain marſh or meadow, on the ſaid iſland, and the ſtage and back room for the fiſhery there ; with the liberty to fence in, and incloſe any other part or parcel of land on ſaid iſland for his uſe and accommodation, not exceeding ſix acres. To have and to hold the ſaid meſuage, or tenement, and all and ſingular other the premiſes, with their appurtenances, unto the ſaid John Dalling, his heirs and aſſigns, to the ſole and only proper uſe, benefit, and behalf of the ſaid John Dalling his heirs and aſſigns forever. *Yielding and paying therefor yearly and every year unto our ſovereign lord the king, his heirs or ſucceſſors*, or to ſuch governour, or other officer as from time to time ſhall be by him or them appointed to receive the ſame, on every twenty fifth day of March forever, as a quit rent, or acknowledgment for the ſaid land, one buſhel of merchantable wheat, or the value thereof in money. In witneſs whereof I have hereunto ſet my hand and cauſed the ſeal of the colony to be hereunto affixed, and theſe preſents to be entered of record at James Town, the thirteenth day of September, in the ſecond year of his majeſty's reign,

Annoque

Annoque Domini one thouſand ſix hundred and eighty ſix. J. PALMER.

Recorded the day of the date hereof.

JOHN VELF, D. Secretary."

The royal grants, and thoſe of Sir Ferdinando Gorges, and Sir Alexander Rigby, were all of a tenor quite oppoſed to the principles of government and tenures eſtabliſhed in the New England colonies, and tended in their nature to the deſtruction of equality in legal rights. This rendered the New England colonies rather inattentive to the eaſtern country until Gorges had ſold his province to Maſſachuſetts, and even then, as the colony had nothing to do with the country below Kenebeck, and as Indian conveyances, and the grants under the great patentees had ſwallowed up the greater part of the territory weſt of the river, the government had but little incitement to ſpend money in defence of the country.

Sir William Phips, however, in the year 1692, made an expedition to Pemaquid, and there erected a fort. Whether this was done on account of the influence of the owners of Aldſworth's patent, or to keep up the claim, which had but that year ariſen, to the province by the new charter, is uncertain.

This fort was held by the government until the year 1696, when in Auguſt of that year a French ſhip came from Mount Manſell, now Mount Deſert, and united with the Savages in taking the garriſon.

The plantation of Pemaquid was ſettled before Boſton; and in Winthrop's Journal page 46, we have this note, that in November 1632 letters came from Capt. Neale, that D. Bull, and fifteen more of the Engliſh

who

who kept about the eaſt, had turned pirates, and had taken divers boats, and had *rifled Pemaquid.*

The country of Pemaquid being laid waſte by the Savages in the year 1676,* continued to be uninhabited until after the peace of Utrecht, in the year 1712; and after that time, until the year 1717, there was no aid given by the government to the reſettlement of it. In that year, there was an order for the reeſtabliſhment of the garriſon, and the fort was repaired: the country was, however, but thinly inhabited; the Penobſcott Indians, rendered more cruel by the former influence of Caſtine, and Le Maſſe, a prieſt, were near by, and the acceſs for the Savages, from every part of the country, was eaſy. In the year 1747, the Penobſcott tribe came into a treaty of ſubjection to the government of Maſſachuſetts, which they never afterwards openly violated. The fort, called St. George, was attacked, in the year 1654, by Canada Indians, and defended with great ſpirit by Colonel North, who then commanded it.

The town of Briſtol, which is the principal part of what was Pemaquid ſettlement, was incorporated by the name of Briſtol in the year 1765, and at the time of the late cenſus contained ſeventeen hundred inhabitants.

NEW CASTLE.

The town of New Caſtle, was formerly under the government of the Duke of York, and known by the name of Dartmouth in the county of Cornwall. There was a ſettlement there as early as in any part of the Pemaquid country. There was a fort on a neck of land on Sheepſcott River, which, with all the buildings, were deſtroyed by the Savages, in the year 1680, and the ſettlement intirely broken up. This land was ſold by

* Hubbard.

by Jack Pudding and Robinhood, two Indian chiefs, to one John Maſon, who lived there in thoſe times. One Randolph came to New Caſtle ſome years ago, from New Jerſey, claiming lands under John Maſon, his anceſtor on his mother's part: he ſaid, that his parents informed him that he was born there, and that they fled with him, from the Savages, when he was an infant, and carried him away to New Jerſey. He produced papers certified by Walter Phillips, and had a copy of governour Dungan's commiſſion with him. New Caſtle is bounded on the eaſt by Briſtol, on the weſt by Pownalborough, Sheepſcott River being the line between that and the town laſt mentioned; and by the town of Edgcomb on the ſouth. Damariſcotia waſhes the eaſt bank of it. When the late cenſus was taken, that town contained nine hundred inhabitants. It was incorporated by the name of New Caſtle, in the year 1758. The progreſs made in the ſettlement of New Caſtle has been very ſlow. There was a ſettlement there in the early day of New England. The cellars of the old houſes remain as proof of the country's deſtruction by the Savages.

Pownalborough extends on an eaſt and weſt line about eight miles, from Sheepſcott to Kenebeck River. The line begins above the town of Woolwich, and takes in what is called Wiſcaſſett Point on the north ſide of it.* The part of Pownalborough, which lies on the eaſt bank of the Kenebeck, had no ſettlements in it, that are recollected, until the year 1752; when the proprietors of the Plymouth patent erected a fort there called Frankfort. The courts were ſeated there when the county of Lincoln was created in the year 1760, and ſome

* N. B. This town is now divided, and the weſt part incorporated by the name of Dreſden, in the year 1794.

ſome very good houſes were there erected: but as the navagation of Kenebeck River is ſeveral miles above that town, the ſettlements encreaſe above it, on the river, and that part of the town has been long ſtationary as to encreaſe of ſettlements. There are however ſome very good farms there, and the land is generally good. This part is called the weſt pariſh. The north Pariſh is on the weſt ſide of Sheepſcott River, at what is called Sheepſcott Falls. There were in the year 1630, eighty four families, beſides fiſhermen, about Pemaquid, and St. Georges and Sheepſcott.*

The moſt ancient and reſpectable ſettlements in Pownalborough, are in the eaſt pariſh, at the principal head of the navigation in Sheepſcott River.

Theſe ſettlements include what is called Wiſcaſſett Point; where there is a very good meeting houſe, and a number of dwelling houſes, many of which are elegant. This village encreaſes exceedingly, and will very ſoon become a place of great trade.

The ſettlements there began in the year 1663, under one George Davie, who purchaſed the ſoil of the natives, as has been before mentioned. Davie lived on the weſt bank of the river, about half a mile north of where the meeting houſe now is, but was driven away in the year 1680, when the eaſtern country was deſtroyed. There were no ſettlements again on that river, until after the peace of Utrecht, nor do we find any proceedings of the proprietors of the land until the year 1730. There were on Sheepſcott River, in the year 1630, fifty families, on what was called the Sheepſcott farms.†

In

* Sylvanus Davis' account, Council files.

† Report of Sylvanus Davis, Counſellor, in 1701.

In the year 1730, the ſettlements began again. One Robert Hooper was the firſt ſettler on Wiſcaſſett Point.* Foye and Lambert came there in the year 1734; and the proprietors ſoon after letted out the lands for ſettlement. The Indian wars, ſoon after, prevented the progreſs of the buſineſs, and kept the people within their fort, which ſtood on a rock forming an eminence on the point.

In the year 1747, Jonathan Williamſon, who had come from the weſt of England to ſettle in the country, was captured by a body of Indians from Quebeck, and carried through the woods to that city. Williamſon was a man of eminence among the people, and was known to the Savages. They let two others, who were after their cattle, paſs by them unmoleſted, and took Williamſon, who was in the rear. Upon his aſking the reaſon of this, they told him, that they were ſent out by the governour of Quebeck, to take a perſon who could give him intelligence of the movements of the Engliſh. Captain Williamſon, from whom this account is taken, ſays the Savages treated him very well, and gave him his full ſhare of every thing they procured for ſubſiſtence on their route to Canada. He was exchanged, the next year, and ſent back by way of Boſton, and has continued on the river ever ſince.

Pownalborough was incorporated in the year 1760, and took its name from the pride of Pownal, who was then governour of Maſſachuſetts. It contains two thouſand inhabitants, has three pariſhes, but had no ſettled miniſter before November 1773. On the ſouth of Pownalborough is the town of Woolwich. That town is bounded weſt on the river Kenebeck, eaſt on Monſeag,

* Williamſon and Cargill's depoſitions, in Lambert's caſe, Sup. Court.

Monſeag, ſouth on Georgetown ; from which it is divided by a ſtrait of waters, which forms the north end of Arrowſike Iſland. The iſland of Jeremyſquam is alſo within the town. There is nothing very remarkable in the progreſs of the ſettlement of that town. Brown and Bateman, who purchaſed the ſoil of the natives, lived there in 1666, and Sir William Phips was born on a peninſula now within it. The Indian name of Woolwich was Nauſeag, and the early ſettlement of it was about the year 1660, under Clark and Lake, who erected mills there.* The Savages prevented the progreſs of the ſettlement, until it was urged by Cadwallader Ford, Eſq. one of the aſſigns of Clark and Lake, ſince the year 1750. The town was incorporated in 1759, has a good meeting houſe, and a miniſter, who has been ſettled a number of years. There are eight hundred people in the town.

The hiſtory of Georgetown is the hiſtory of the River Kenebeck. That town is ſituated on both ſides of the river, and was, not long ſince, what is now Georgetown and Bath : the town now comprehends the iſland of Arrowſike, and Parker's Iſland, which have been already deſcribed ; and the land on the weſt ſide of the river, called Small Point, up as far as Winnegance Creek. This town, on the late cenſus, bears thirty three hundred inhabitants, and was incorporated in the year 1718.

On an iſland already ſpoken of, called Stage Iſland, was the landing place of Popham's party, in 1607. Governour Winthrop ſays they came in 1609. Ogilby, in his collection, which he made in the year 1671, ſays,

* Sir Biby Lake's petition to the king in 1730.

ſays, that they landed on the weſt ſide of the river, on a peninſula, and there began a plantation. Hubbard ſays, that a party came from England, and ſettled at Kenebeck, in the year 1619. Soon after Popham's party left the river, in 1608, the French took poſſeſſion of it.* In the year 1613, Sir Samuel Argall went from Virginia, and removed them. On the iſland are the remains of a fort, ſeveral wells of water, and ſeveral cellars; the remains alſo of brick chimneys have been found there,† and it is very clear that the bricks which were uſed in the buildings, muſt have been brought from Europe. On the weſt ſide of the river is the remains of a fort, made of ſtone and earth: there are alſo eight old walls now to be ſeen, and the ruins of ſeveral houſes. Whether theſe buildings were erected by the Engliſh, or by the French, is uncertain; but the probability is, that the former were the erectors of the works. The Engliſh ſettlements continued without interruption until the year 1675:‡ for Hubbard ſays, that there was perfect peace between the white people and the Savages to that time: yet the proceedings of the colony of Plymouth, reſpecting the ſale of their patent, ſuggeſt that depredations had been committed by the Savages. From the proceedings of that colony we find, that, from the year 1626 to the year 1660, there were inhabitants, traders and ſettlers on the river. In the year 1670, there were twenty families on the weſt ſide, and thirty on the eaſt ſide of the river. The names of thoſe, who, in the year 1654, took an oath of fidelity to the colony, would amount nearly to the number of ſo many heads of families. Clerk and

* Hubbard. † The Author ſaw theſe remains, cauſing the ground to be opened, in 1776. ‡ Council Records.

and Lake came on the river ſoon after the year 1660, erected forts and houſes, and continued their poſſeſſions until they were driven away in the year 1675.* The ſettlements were not finally deſtroyed until the year 1680. There were ſettlements much farther up the Kenebeck than what is now Georgetown, or Bath. The remains of a blackſmith's forge were diſcovered at Teconnet Falls, when the troops of the government went there in the year 1754, to build fort Hellifax.† There is a point about twenty ſeven miles from the head of navigation, on the eaſt bank of Sabeſtacook, a branch of the Kenebeck, where within ſix years now laſt paſt, the owner, intending to form a brick kiln, ſet his people to dig for clay; when they had removed the ſoil, they found the remains of an ancient kiln, with mouldered or decayed bricks. There was a hemlock tree upon the place where the kiln had ſtood, of more than two feet diameter.‡.

In the year 1676 there was a fort on the eaſt bank of Kenebeck River within the town of Georgetown. One Hammond, a trader, lived in the fort, and probably was the perſon who built it. The buſineſs of his trading carried him up to Teconnet Falls, where he was imprudent enough to rob the Indians of their furs, while they were intoxicated. This offence was retaliated by a ſack of his fort. When Phillip had made open war with the people of the old colony of Plymouth, he ſent his emiſſaries down to the country of Sagadahock to incite a war againſt the ſettlers there.

Phillip's

* Report to the King by the Attorney General, in 1730.

† Colonel Lithgow's account.

‡ Account given by Judge North and ſeveral others.

Phillip's enmity was not againſt the white people at firſt. He had no French prieſts in his country to kindle the flames of war, or to excite jealouſy: but he knew that the ſettlers at Kenebeck had been under the juriſdiction of the colony with which he had made war; and the Savages, could not, either in that, or any other quarter, keep upa diſtinction between the people of different colonies; beſides this, the French were contending againſt the Engliſh for the government of New France, and Charles had ceded a great part of the eaſtern country to that nation.

On a Sunday morning, while the white people were at their devotion, in Hammond Fort, the Savages ruſhed in, and having entered, they killed Hammond and plundered his houſe. There was another fort within two miles of Hammond's, which was built by Clark and Lake; the people in this, being alſo ſurpriſed, defended themſelves as long as they could, but were overpowered by the number of the Savages; Captain Lake, and one Sylvanus Davis, attempted to eſcape, but the former was ſhot by a Savage as he fled in a canoe. His bones were found and brought to Boſton in 1676, by major Waldren.*

All the eaſtern country was ſoon after abandoned by the ſettlers, and the houſes and mills were burnt by the Indians. The people could obtain no aſſiſtance from the Maſſachuſetts colony, becauſe the juriſdiction of that government over them was denied by thoſe who contended to hold it under the Duke of York, and part of the country, which was eaſt of Penobſcott, was ſaid to be under the government of lord Sterling.

The

* Hubbard's Hiſtory.

The territory, between Penobſcott and Kenebeck, was under New York; and the land on the river, belonged to Brattle, and others, who had purchaſed it of the Plymouth colony. The whole country, was, therefore, broken up, before the year 1692, and was not again ſettled until after the charter of William and Mary had placed the territory under the acknowledged government of Maſſachuſetts Province.

The fort which Clark and Lake erected, was near where the meeting houſe in Georgetown now is. The remains of it were buried by the plough, within thirty years now laſt paſt, by major Denny, the then proprietor of the ſoil where it had ſtood.

Hammond's Fort, was at a place, now called Stinſon's Point, on Arrowſike's Iſland. Mr. Hubbard, in his account of the deſtruction of that place, ſays, that the Savages came in the evening, and appeared in ſuch a manner, that they terrified a girl, in the houſe, who ran over to Sheepſcott, and alarmed the people there; and that the family was deſtroyed, in ſuch a manner that not one, excepting the young girl, eſcaped.*

Francis Card related, that the Indians killed Richard Hammond, Samuel Smith, and Joſhua Grant; and that they took him a priſoner at the ſame time. It is very clear, that this miſcheif was done by the Norridgewock Savages; for a peace was made that year with the Penobſcott and Pemaquid tribes; and Card, in his narrative, ſays, that Madockawando, the Penobſcott ſachem, was not united with Squando, the ſagamore of the Norridgewocks, in the war at that time. The Savages deſtroyed all the plantations in Georgetown, in that

* Hubbard's Hiſtory, page 245.

that ſummer, and laid the whole country on the river waſte. There was no check put to the depredations of the Savages until major Church was ſent by Sir William Phips, into the river, in Auguſt, 1692. The Savages were ſoon defeated in the action with the forces under the orders of Church; he purſued them to their village at Teconnet Falls, and having laid that waſte, returned to Pemaquid. In the years 1703 and 1704, the forces of Maſſachuſetts went into the Kenebeck, and ſkirmiſhed with the Indians.

The colony of Plymouth had a fort and trading houſe at Kenebeck River in the year 1642. Where their fort was, does not now appear with certainty: but it may be believed, that it was on what is now called Small Point, on the weſt ſide of the river, and near the ſea. Tradition aſſures us, that Popham's party, made their landing on the iſland now called Stage Iſland; and as there are the remains of an ancient fort on Small Point, and wells of water of long ſtanding, with remains of ancient dwelling houſes there, which have been mentioned, it may be concluded that the Plymouth Fort was at that place. Governour Winthrop, in his Journal, mentions, that "the Indians at Kenebeck, in the year 1642, hearing of the general conſpiracy againſt the Engliſh, determined to begin there; and one of them, knowing that Mr. Edward Winſlow did uſe to walk within the paliſadoes, prepared his piece to ſhoot him, but as he was about it, Mr. Winſlow, not ſeeing him, nor ſuſpecting any thing, but thinking he had walked enough, went ſuddenly into the houſe, and ſo God preſerved him."

In the year 1714, John Watts, of Boſton, who had married a grand daughter of major Clark, one of the proprietors of Arrowſike Iſland, carried bricks from

Medford

Medford to Georgetown, and erected a large houſe with two flankarts, bearing cannon, on the bank of the river, on the iſland, at a place now called Butler's Cove. This houſe was ſtanding in the year 1770, but the flankarts were taken down ſome years before. About the year 1728, major Denny came from England and ſettled there. His fort was very near the houſe erected by Watts. Denny's ſiſter married Mr. Prince, miniſter of the Old South Meeting, in Boſton. He lived on the iſland till the year 1773, and died poſſeſſed of a large eſtate. He held many offices, and was, when he died, firſt juſtice of the court of pleas, and preſident of the court of ſeſſions in the county of Lincoln.

In the years which ſucceeded that of 1714, the people began to reclaim their old poſſeſſions in Georgetown, and on the whole of the river: all the claims which have been before mentioned, were, in the year 1718, entered in the book of claims: but in that year, there was no houſe in Georgetown, excepting the brick houſe on the iſland, and one at the head of the iſland built by one Preble,* who died there about the year 1769. There were two families then on the weſt ſide of Kenebeck, at the mouth of Winnegance Creek. Several other families had ſet down on Swan Iſland, and on the main, on both ſides of the river. The Indian wars were frequent, and the ſettlements were very few, until the Norridgewocks were attacked by Moulton and Hammond in the year 1724.

This attack was in the month of Auguſt, and was ſo ſudden, that many of the Savages were killed, and the reſidue ſo diſtreſſed, that they never appeared formidable

* Preble's depoſition, on Sup. Court's files, and Dunning's evidence.

formidable again.* They afterwards incorporated themſelves with tribes on the borders of Canada, and were very miſchievous as guides to the ſcouting parties, which frequently attacked the frontiers.

In the year 1752, the forts at Richmond and Frankfort twenty ſix miles from the ſea, were erected, which in ſome meaſure put a ſtop to the depredations of the natives. But in the year 1755 the Savages, notwithſtanding they had made a treaty with the government in 1753, beſet the plantation, and killed ſeveral perſons and carried others into captivity. In that year one Barret was killed at Teconnet Falls, and one Wheeler was taken as he was going from Fort Weſtern to fort Hellifax. John Tufts, and Abner Marſton, were taken near Frankfort, in the ſame ſummer. The people on Swan Iſland were attacked about the ſame time: and at the head of Arrowſike Iſland, one Preble, the ſon of the one already mentioned, with his wife, who were in the field planting Indian corn, in the ſpring 1756, were killed. The Savages took their three children, who were then very young, and carried them into Canada. There was then in Woolwich, at a place now called Hamden's Ferry, a fort inhabited by one captain Hamden, who had removed to that place from the county of Middleſex. Preble's wife, who fell by the hand of the Savages, was his daughter: and after the reduction of Quebeck, by the Engliſh, he went into Canada, and brought his grand children home. I have converſed with one or more of them, on the ſubject of their captivity. They aſſured me that the Savages treated them with great kindneſs, on their way to Canada, giving them a ſhare of whatever they could procure for ſubſiſtence, and carrying them on their backs at the places where they could not go by water.

* Hutchinſon's Hiſtory.

water. They added, that they ſuffered more in being ſeparated from their Indian parents, than they had ſuffered before.

In the ſame year, a ſtrong party of Indians appeared before the fort on the lower end of Arrowſike Iſland, but could not take it. The people within were not able to go out of the garriſon to attack the enemy; this gave the Savages an opportunity to kill all the cattle on the iſland, and to enjoy the ſpoil at pleaſure.

The Reverend Mr. Emerſon is the firſt clergyman who was ordained on the river Kenebeck, or within the county of Lincoln. He is yet the miniſter of Georgetown; and not very far advanced in years.

THE TOWN OF BRUNSWICK.

BRUNSWICK was incorporated in the year 1738; and contains fifteen hundred people. There are two meeting houſes erected, one on the weſt, and the other on the eaſt part of the town, for the convenience of holding public worſhip in each alternately. The late reverend John Miller was the firſt, and the reverend Mr. Coffin is the preſent ſettled miniſter of the place. Brunſwick is bounded northerly on Androſcoggin River; weſterly on a town lately incorporated by the name of Freeport; ſoutherly by a part of the waters of Caſco Bay, called Maquoit; and eaſterly in part by the towns of Georgetown and Bath; the waters of New Meadows, or Stevens' River, being between that and the two towns laſt mentioned.

The firſt ſettler in this town was one Mr. Purchaſe, who lived near the head of Stevens' River, and traded with the Savages, of whom he obtained grants of lands, in the year 1675.* The account of the firſt onſet by the

* Hubbard.

the Savages is given in Mr. Hubbard's hiſtory. He ſays, that in September, 1675, about twenty Indians joined "in robbing the houſe of Mr. Purchaſe, an ancient planter about Pegypſcott River, and a known trader with the Indians. The Savages killed a calf or two, plundered the houſe of ſtrong liquors, and deſtroyed and injured the beds and furniture. Purchaſe and his ſons were gone abroad, but no incivility was offered to his wife." In the year 1676, the deſtruction of Brunſwick, and all the country eaſt of Caſco Bay, was almoſt completed. The depredations were generally committed by the Amocogan, or Amoriſcongan, and Norridgewock Indians. In November, 1676, a treaty was made with the Penobſcott Savages, who appeared by Mugg, as repreſentative of Madockawando, and Cherribina, ſachems of Penobſcott. This treaty had an influence on the others, and gave a ſhort reſpite from hoſtilities.

The inhabitants of Brunſwick collected again, but it was only to ſuffer new misfortunes; for in the ſpring of the year 1690, the town was intirely depopulated.

There was at that time, a univerſal conſpiracy among the Indians to extirpate the Europeans from their country. The Savages of St. Johns, St. Croix, and the bay of Fundy, were in league with the Abenequis, and the Weſtern Indians, for this purpoſe. The general rendezvous was at Merrymeeting Bay, on Kenebeck River; and the place of entertainment was at Ameriſcogan, or what is now called Brunſwick Falls. There had been a ſtone fort erected near the falls, on the north ſide of the river; and another about four miles diſtance, at Maquoit Bay, which was called Pegypſcott Fort.

In

In September 1690, the government of Maſſachuſetts, conſidering the eaſtern country, as far as their purchaſe under Gorges' patent extended, to be under their protection, united with the government of New Plymouth, to ſend Colonel Church, with four hundred men, on the ſpecial errand of relieving the plantation of Pegypſcott; which had been, the ſpring of the ſame year, ſacked by the Savages, and was then in their poſſeſſion. Colonel Church landed at Maquoit, and went immediately to Pegypſcott Fort, but found no perſon, either Savage or white man, there. The orders of Colonel Church were from the governments of Maſſachuſetts, New Plymouth, and New Hampſhire. Thoſe from the latter, were ſigned by Robert Pike, and ordered the expedition againſt the French and Indians at "their head quarters at Ameriſcogan, Pegypſcott, or at any *other place*." Therefore, when Church found none of the enemy at Pegypſcott, he marched immediately for the fort on Ameriſcogan Falls. He kept on the ſouth ſide of the River; and on the plain, a mile ſouth of the Falls, he ſaw an Indian, who was known by the name of Young Doney, with his wife, and two white captives. Doney fled and got to the fort, but his wife was killed, and the captives ſet at liberty. Church with great difficulty croſſed the river, and gained the fort, but not until Doney had alarmed it, and the Savages, excepting one man, and two or three women, had made their eſcape. The Indians ran under the fall of water, where a place is left between the caſcade and the rock, and by that, and by other means, made their flight ſucceſsful. There were ſeveral white captives in the fort, among whom was the wife of Capt. Huckins, who had been taken in a garriſon at Oyſter River, now Durham.

Durham. The wives of Worumbo and Haken, two ſachems of the Ameriſcogan tribe, made a ſucceſsful application, for their own lives, and thoſe of their children. There was an Indian taken in the fort, who was there on a viſit from the Pennecooks. The ſquaws begged his life, and obtained it, by bearing teſtimony to his humanity to captives, and of his helping them to eſcape, when their lives were in jeopardy. He was taken a priſoner, but on the march of the army, being terrified by threatnings, he made his eſcape. The Savages, excepting the wives of the two ſachems, and their children, and the priſoner mentioned, were knocked on the head and buried.

There was a great quantity of corn, of furs, and other articles collected in that place. Worumbo, and the Indians of the Ameriſcogan tribe, had gone to Winter Harbour for ammunition and proviſion. Church ſailed from Maquoit in the evening, and arrived at Winter Harbour in the next morning, about day break. He diſcovered the fires of the Indians near, and between him and Scammon garriſon. The garriſon was on the eaſt ſide of Saco River, nearly two miles below the falls. When the ſcout, or advanced party of Church, came near the garriſon, they found that the Indians were on the weſt ſide of the river. They killed three, who were in a canoe, and took old Doney, the father of a Savage they had killed at Pegypſcott: from him they learned where a great quantity of peltry was concealed at Brunſwick, and detached a party, were was ſucceſsful in ſearching for it.

The above account is an abridgement of Church's own hiſtory of the expedition, with the addition of places, and ſome circumſtances, which are furniſhed from

the

the ſtories preſerved and handed down, from thoſe who lived in that part of the country in thoſe times.

Colonel Church, like Julius Cæſar, was always the hero of his own commentaries. His writings are, however, generally correct, as to facts, and very intelligible; but how it happened that the Savages ſhould kill and deſtroy all the people in the country eaſt of Caſco Bay, in the year 1690, and that they ſhould be allowed to come to Saco River, in the fall of the ſame year to trade, is not well explained. Perhaps there was ſome jarring in the government there, after the Maſſachuſetts had purchaſed Gorges' patent; or a peace with ſome tribes, to which others were not parties.

In the year 1714, there were exertions made by the aſſignees of the Indian grants, to Mr. Purchaſe, in order to obtain from government a garriſon at Brunſwick Falls. The country began to obtain a value, and was under the acknowledged juriſdiction of the Province of Maſſachuſetts. There was then a real reaſon for placing a garriſon on the falls of Androſcoggin River. That place was as a key, to open all the weſtern part of the Province of Maine, to the Indians. At this place the tribes from Canada, from Penobſcott, and Norridgewock, met the Ameriſcogans, and the Abbagaduſſett Indians, to adviſe on their intended expeditions againſt the white people. There had been a fort there of ancient date, but while the country lay deſolate, it had fallen into ruin. In the year laſt mentioned, the government began a ſtrong fort, which was finally completed, with two baſtions, and two half baſtions, with flankarts on the top, ſufficient for cannon. The fort finally aſſumed the name of Fort George, and was ſupported as a garriſon until the reduction of Quebeck,

in

in the year 1760. The remains of the garrifon are now to be feen in the place.

In the year 1718, there was no houfe in the town, excepting the one in the fort, and a block houfe on the fouth part, near Maquoit Bay, where Lieut. Woodfide kept a guard in order to protect the ftores, which were to be landed in the bay, for Fort George. Thefe fortreffes have prevented the depredations which might otherwife have happened in the town. Topfham, which lies on the north fide of the river, was a part of the ancient Pegypfcott fettlement, and fuffered with the town of Brunfwick in the hoftilities of the Savages.

NORTH YARMOUTH.

THE earlieft mention made of North Yarmouth is in an inftrument from Prefident Danforth, dated, "Fort Royal, 22d September, 1680." Recorded in the Proprietors records, by order of the committee, or truftees, appointed by the general court, to refettle the town, in the year 1722, expreffed in the following words: "For the further enlargement to the fettlement of the townfhip by the governour and company, of the Maffachufetts colony, on the eafterly fide of the Weft Cuftigo," now Royall's "River, on Cafco Bay; it is hereby granted unto them, that the waſte lands lying between the faid grant, and Falmouth, fhall be added to the townfhip called Damerras Cove. It is alfo hereby ordered, and declared, that the name of the plantation fhall be, North Yarmouth."

THOMAS DANFORTH, Prefident.

By an after confirmation of the above grant, made by prefident Danforth, in the name of the governour and company of the Maffachufetts colony, dated July 26th,

26th, 1684, it appears, that there had been a grant of a townſhip, prior to this, made by Sir Ferdinando Gorges, lying eaſterly of Weſtcuſtigo, or Royal River, and called by the name of the river Weſtcuſtigo, extending from ſaid river eaſterly by the bay, about ſix miles to the mouth of Burgomungomug, alias Burgomug River, which retains its Indian name to this day. But how long before the above grant by preſident Danforth, or to whom that grant was made, the records are ſilent.

After the above inſtrument by preſident Danforth, of September 22d, 1681, a committee, conſiſting of Bartholomew Gidney, Joſhua Scottou, Sylvanus Daviſe, and Walter Gendall, empowered as the records ſay, "by the governour and company of the Maſſachuſetts colony, to order and regulate the ſettlement of ſaid town," proceeded to make ſeveral rules and regulations for that purpoſe. As firſt, "that the building and ſettling of the town ſhall be on land commonly called Maine's Point, (which includes the ground on which the meeting houſe now ſtands,) and to be ordered ſo on the laying out, as may be compact, and moſt capable of defence." Particularly, firſt, "that forty rods ſquare of plain land be laid out for the accomodation of the meeting houſe, burial place, miniſter's houſe lot, market, and ſchool. 2d. That an interval of four poles wide, be left round about the above forty rods ſquare, for ſtreets and highways. 3d. That round about the highways, houſe lots be laid out, eight poles in breadth, and ten poles deep, butting in breadth on the high ways. 4th. That a common field be laid out as near as conveniently may be, ſo as it may hold forth in proportion to each houſe lot ſix acres." It was further

ther determined at this time, "Mr. Walter Gendall, Mr. George Pearſon, Mr. John Royall, do take care in behalf of the town to procure and ſettle among them a pious, orthodox miniſter, and with conſent of the people to appoint and provide for his maintenance; and in order thereunto, that they in the firſt ſettling of the town lay out a good farm, containing three hundred acres, to be forever for the uſe of the miniſtry, and alſo that they lay out another farm, likewiſe to be forever for the ſchool, among them, containing three hundred acres."

By the after confirmation of ſaid townſhip, made by preſident Danforth, mentioned above, viz. on July 26th, 1684, to Jeremiah Dummer, Walter Gendall, John Royall, and Jno. York, "truſtees on the behalf and for the ſole uſe and benefit of the inhabitants of the town of North Yarmouth," it appears that ſaid inhabitants were to pay a quit rent to the governour and company of the Maſſachuſetts colony, as an acknowledgment of Sir Ferdinando Gorges' and his aſſigns' right to the ſoil and government, which was to be twelve pence for every family whoſe ſingle country rate is not above two ſhillings; and for all that exceed that ſum in a ſingle rate, three ſhillings per family, annually, in money, to the treaſurer of ſaid province, for the uſe of the chief proprietors thereof. And in caſe of failure, diſtreſs was to be made on the eſtates of ſaid inhabitants, not only for ſaid rate, but alſo for all coſts and charges ariſing and accruing from the ſame. It appears farther from ſaid records, that, in the year 1685, the truſtees above named, together with the ſelectmen of the town, proceeded to lay out and make grants of land, both upland and ſalt marſh, of different contents, to ſundry perſons, inhabitants of ſaid

town.

town. A garriſon was alſo built on the weſt ſide of Royall's River, for the accommodation and defence of the inhabitants; among whom, at this time, were Walter Gendall, John Royall, Thomas Bearkfield, Henry Combes, William Aſhfell, William Larrabee, Samuel Larrabee, Amos Stevens, John Provender, John Shove, Samuel Lime, Joſeph Harris, John Acton, John Shepherd, and Peter Blackman. There are ſtill living in the town, ſome of the poſterity of Royall, Harris, Larrabee, and Blackman. About the year 1685 or 1686, there came on a bloody Indian war, in this part of the country, at the beginning of which, Gendall was killed by the Savages, as he was paſſing from the garriſon above mentioned, to the eaſt, to the relief of a party of men belonging to the garriſon, who were attacked by the Indians, on the weſtern ſide of the river. This party were employed in providing materials for, and erecting a garriſon on the weſtern ſide of Royall River, and early in the morning of the day on which captain Gendall was killed, had ſent two of their company, or ſervants, over the river, to the garriſon, to look up their oxen, by the time the others ſhould come over. Theſe unfortunate perſons were taken and ſecured by the Indians, before the reſt of the company went over. The Savages, for ſome time, had appeared ſurly, and inclined to quarrel; accordingly, ſoon after, the party appeared on the other ſide of the river, a number of Indians met them, and provoked them to quarrel, by aſſaulting and inſulting them. One Indian, having puſhed one of the Larrabees, he cocked his gun, and ſhot him dead on the ſpot, on which the conteſt became general; the party from the garriſon, knowing themſelves to be much in-

ferior in number to the Indians, ſoon retreated below the bank of the river, where they were better ſecured from the enemy's fire, and could not be ſurrounded, without greater difficulty. Here they maintained the fight, with great bravery, and without the loſs of a man, on their own ſide; and were well aſſured that ſome Indians fell, beſides the one firſt ſhot by Larrabee. Their ammunition was at length expended, which the garriſon perceived, by the intermiſſion of the fire. Captain Gendall, who was an Indian trader, and well known among them, took a quantity of ammunition, and went into a float, with a ſervant to paddle him over to the party; ſtanding erect, imagining that the Indians, knowing him, and reſtrained by former connexions, would not ſhoot him; but, as the float touched the ſhore, he was ſhot through the body, and expired, having only time to throw the ammunition on ſhore, and to ſay, *he had loſt his life in their ſervice.* The party were now enabled to maintain their ground, till night came on, and the Indians retreated. That night, the Indians went on to an iſland, called Lane's Iſland, where they butchered the unfortunate victims who fell into their hands in the morning, together with another captive, whom they had previouſly taken farther eaſt, in a moſt ſavage and cruel manner. Their bodies were found by ſome of the garriſon, and buried on the main. Soon after this, the garriſon removed to Jewel's Iſland, one of the moſt diſtant from the main land, in Caſco Bay, and built a fort there, to ſecure themſelves, till they could return to Maſſachuſetts. Not long after the building of the fort, it was attacked by a large party of Indians, from the main; but was reſolutely defended, until many of the Indians being

being killed, the others thought proper to leave the iſland. A veſſel, ſoon after, took the inhabitants off the iſland, and conveyed them to Boſton, in which, and its neighbourhood, they diſperſed themſelves. And thus the ſettlement of North Yarmouth was intirely broken up at this time.

In May, 1722, a petition was preferred to the general court of Maſſachuſetts, by Jno. Smith, and others, on behalf of himſelf, and others, proprietors and aſſignees of the former proprietors of North Yarmouth; praying a corporation of the former grant of ſaid townſhip, and that ſuitable perſons might be appointed to manage and carry on the ſettlement, in the room of Jeremiah Dummer, and others, the former truſtees, appointed under Preſident Danforth, and that the number of proprietors might be augmented to ſixty. The prayer of this petition was granted, and the Hon. William Taylor, Eſq. Eliſha Cook, and William Duby, Eſq. Mr. Jno. Smith, and Mr. John Powell, were appointed accordingly. Theſe gentlemen held their meetings at Boſton, for ordering and managing the buſineſs of their appointment, till May 16th, 1727, which is the firſt that is mentioned of their meeting at North Yarmouth. No regard in the ſettlement of the town, was had to the former laying out, excepting that ſome few of the original proprietors, held their old farms, particularly Gendall's, and Royall's aſſigns, and thoſe of Lane, and Shepherd, and ſome few others; but all who could make out their claims, as former ſettlers, were admitted as proprietors, in the reſettlement. No proviſion was then made for the payment of the quit rents, as in the grant by preſident Danforth. The town was now laid out in ten acres to each houſe lot,

and increaſed afterwards to 106. Each houſe lot to draw an equal ſhare in the upland and ſalt marſh, in the after diviſions, which, including the gore on the back of the town, afterwards granted by the general court, amounted to above five hundred acres each right, excluſive of houſe lots, and iſland rights. The ſalt marſh was laid out in four acre lots to each right, and equivalents in upland to ſupply the deficiency in marſh, to the number of houſe lots. The houſe lots were all lotted for, except ſuch as were allowed to be pitched by the old proprietors. The houſe lot for the firſt ſettled miniſter, and that deſigned for the miniſtry, and all others, without exception, took an equal chance in the after diviſion. One right through the town was to be given to the firſt miniſter that ſhould be ſettled, and continue in the miniſtry in the town for five years. One right alſo, through the town, was appropriated to the uſe of the miniſtry forever, and in lieu of a right through the town for a ſchool, two hundred acres of land, laid out in a ſquare, to the uſe of a ſchool forever. It was alſo agreed by the above committee, with a number of proprietors preſent, at North Yarmouth, May 16th, 1727: "That a convenient houſe for the public worſhip of God, be erected and built in three years from the firſt of June, of fifty feet long, and forty feet wide, and twenty two feet ſtud, at the charge of the committee; and that a ſufficient quantity of land, adjacent to the meeting houſe, be left and reſerved as a burying ground, common, or training field, pound, and other public uſes, as may be hereafter thought needful and adviſeable. That a miniſterial houſe ſhall be built, as the committee ſhall hereafter order, the charges to be borne as aforeſaid, and that a

good

good orthodox minister be provided to reside there forthwith." The meeting house was accordingly erected, agreeably to the above dimensions, where the meeting house now stands. It was enlarged in 1762, by the addition of twenty eight feet, in the middle, which expense was borne by the pew ground made by the alteration. The first settled minister was Ammi Ruhamah Cutter, who accepted his call September 24th, 1730, and continued in the office till December 5th, 1735. The Rev. Nicholas Loring succeeded him, who was ordained October 18, 1736, and continued in the office until his death, July 31st, 1763. The Rev. Edward Brooks, his successor, was ordained July 4, 1764, and continued till February 1, 1769. The Rev. Tristram Gilman, the present minister in North Yarmouth, was ordained December 8, 1769.

The town, after its resettlement, was quiet from any disturbances from the Indians till after the war between Great Britain and France commenced in the year 1744. The Indians were frequently in among the inhabitants, and seemed peaceable and friendly. Many families usually resided in the town, during the winter, for the benefit of fishing, &c. But, in 1745, the Indians became very troublesome, and continued to be so as long as the war continued with France. Many families were obliged to leave their dwellings and improvements, and crowd together in garrisons for their mutual defence and safety. They dared not go far from their garrisons without their arms, nor into the remote parts of the town to carry on their business, unless in companies; and while some were working others were on their guard. Those who went to public worship carried their arms, while others remained at home to keep

guard. Numbers were killed during the war, and many made captives by the Savages and carried to Canada, where they were uſually purchaſed by the French, and kindly uſed by them. A houſe at Flying Point, belonging to one Maines, was attacked one morning before the family were up. The Savages broke into the houſe and forcibly took out Mr. Maines, who making reſiſtance was immediately killed, and his daughter was carried into Canada. A man who lodged in the houſe, diſcharged a gun at the Indians, from the chamber, and it is thought killed one of them. The Indians in conſequence of it retreated from the door, and gave Mrs. Maines an opportunity to bar the door, and to ſecure it ſo as to prevent the Indians from entering the houſe again. During the attack the youngeſt child of Mrs. Maines was killed in her arms, by a ſhot from one of the Indians; the ſame ſhot wounded her in the breaſt, but ſhe fortunately eſcaped falling into the hands of the enemy.

The firſt perſon killed after the war began was Mr. Phillip Greely. As he was paſſing early one morning in May, 1745, from one garriſon to another, about a mile, he was ſhot from an ambuſh. The number of Indians together, at this time, were ſuppoſed to be thirty at leaſt; they had lined the fence, by which Mr. Greely had to paſs, and would, probably, have done him no injury, had not his dog diſcovered them; this diſcovery fruſtrated their main deſign, which was to take the garriſon, to which Mr. Greely was going, as ſoon as the men who belonged to it were gone out to their work. Thus the loſs of one man's life, might be the means of ſaving not only the garriſon to which he was going, but that alſo from which he came. Many

other

other perſons were killed within the limits of the town, during the war, ſome of whom did not belong to the town. The laſt perſon killed, who belonged to the town, was Mr. Ebenezer Eaton. He was ſhot and ſcalped near the meeting houſe. He was in company with two others, one of whom was taken and the other eſcaped. The Indians, after having killed Eaton, ſpread along on the ledge back of the meeting houſe, continued a fire on the houſes below, and on the men who were collecting together, on having been alarmed at the report of the guns. No injury was done to any one, until the people were ſufficiently ſtrong to purſue them, and the Indians were ſoon loſt in the woods. The Indians, during the whole courſe of the war, had the good fortune to eſcape their purſuers, although the inhabitants never omitted purſuing them on ſuch occaſions, and ſometimes came very near them, as afterwards appeared by accounts given by the captives. Beſides the above calamities, the inhabitants ſuffered exceedingly from the loſs of their ſtock and other property, which rendered this war, from its long continuance very diſcouraging and diſtreſſing, ſo that they might well adopt the language of the ſcripture, and ſay, "There is no peace to him that goeth out, nor to him that cometh in. We get our bread at the peril of our lives, becauſe of the ſword of the wilderneſs." However, there were ſome mercies mixed with theſe calamitous judgments. The captives were treated with much leſs barbarity than had been expected, and all were again returned to their families and connexions. During the war, there was no addition to the town, by the introduction of new ſettlers; but on the peace, by the reduction of Canada to the Britiſh gov-

ernment, this part of the country began again to grow. In 1789, the town was divided, and the north part of the town was incorporated by the name of Freeport.

FALMOUTH.

THE territory now included within the towns of Falmouth, Cape Elizabeth, and Portland, was once the town of Falmouth only. This was anciently known by the name of Caſco. What particular idea, ſignificant in the native language, was affixed to that word, is not now known. As the country was formerly deſcribed, it was bounded on the ſea ſoutherly and eaſterly, on Scarborough weſterly, on North Yarmouth, northerly, and on the land which is Gorham, northweſterly. The town of Falmouth was incorporated in the year 1718, and the Diſtrict of Cape Elizabeth was ſet off from it, in 1765, and Portland in 1786. The latter contains only a neck of land, ſurrounded by the tide on all ſides, excepting a ſmall ſpace on the weſt, where at high tides the water nearly inſulates the whole. The town is not more than three miles in length, and is, perhaps, on an average, leſs than half a mile wide. There are two diſſenting meeting houſes, and one Epiſcopalian place for worſhip: in theſe, twenty four hundred people attend divine ſervice. There is no farming buſineſs, excepting by two or three perſons, within the town. The harbour is always open, very commodious, and the trade and inhabitants of the town increaſing. There is a ſpirit of enterprize and induſtry in Portland, which cannot fail, under the natural advantages beſtowed upon it, to render it a populous and wealthy place.

The

The town of Cape Elizabeth, before the American revolution, joined with Falmouth in the choice of a repreſentative; but in all other reſpects was a ſeparate corporation. This town is bounded, eaſterly and ſoutherly on the ocean, northerly on Fore River, which divides it from Portland, and weſterly on the town of Scarborough. This place was anciently known by the names of Spurwinck, and Purpooduck. The whole of the land was granted under the government of Sir Alexander Rigby. There is an iſland on the ſouth of the town of Cape Elizabeth, called Richmond's Iſland, formerly called Richman's Iſland.* This iſland, with the land adjacent, and that in all Caſco, was granted by Rigby, before the year 1646, to Robert Trelawney, who eſtabliſhed a fiſhery on the iſland, and ſent one John Winter over as his agent to conduct the buſineſs. Rigby ſent one Richard Gibſon to his province as an Epiſcopalian clergyman; he wandered away to Piſcataqua, and finally became a preacher to fiſhermen at the Iſle of Shoals. Soon after this, Robert Jordan, and another Epiſcopalian clergyman, came over, under the encouragement of Trelawney: he married John Winter's daughter, and in him all the name of Jordan in the country are to acknowledge an anceſtor. Winter died in the year 1646, and Jordan adminiſtered on his eſtate, and in the year 1648, obtained an order of the court, under Rigby's government, to ſequeſter the whole of Trelawney's eſtate, for a debt due to Winter for ſervices. The record of that judgment will be mentioned under the head of Rigby's government. A large tract of land is now held by the poſterity of Robert Jordan, under that order of court, and within the town of Cape Elizabeth;

* Winthrop's Journal, 246.

Elizabeth but there were ſo many claſhing titles under Gorges, Rigby, the Indians, and others in the town of Falmouth, and in Cape Elizabeth, that the greater part of the land has been loſt to Jordan's heirs, who never ſeemed to contend for their right until it became too late to reclaim it. The moſt fatal ſtroke to the titles under the plough patent, ſo called, held by Rigby, was the early claim of Maſſachuſetts down to Caſco Bay.

The town of Cape Elizabeth has ſuffered, though it does not ſeem to proſper with Portland. When the country was cut off by the Savages in 1692, that town become deſolate: but the ſettlement again revived in 1710. The government was ſettled over it, with the other parts of Caſco Bay, in the year 1718. The Rev. Mr. Smith was ſettled as the miniſter of Falmouth in the year 1727. Cape Elizabeth was then a part of his pariſh: there was a blockhouſe, held by ſome few families, over at Purpooduck Point, and a garriſon, and a few families, at Spurwinck; at theſe places he uſed alternately to miniſter to the people.* There was at ſometimes a Mr. Henry from Scotland, who uſed to preach there. He was an eccentric character, and rendered himſelf contemptible, by his levity and indiſcretion. Mr Allen was the immediate predeceſſor to the Rev. Mr. Clark, the preſent miniſter of Cape Elizabeth.

The ſoil of Cape Elizabeth is hard, rocky, and unpleaſant. The ground does not yield much bread, but is very good for grazing and the advantages of the contiguity of the ſea, renders the place able to maintain nearly fifteen hundred inhabitants.

Some

* Mr. Smith's relation to the Author.

Some people have ſuppoſed that Trelawney had a patent from the council of Plymouth, but this I believe to be a miſtake. His title was under Rigby's patent, which was originally granted to Dy and others. But theſe patents were all treated with neglect, or contempt, during, and after the civil wars between Charles and the parliament: and nearly all the lands in Cape Elizabeth were taken up anew, under preſident Danforth's adminiſtration of the Maſſachuſetts government in that part of the country.

There has been no recent calamities by the Indian wars, in Cape Elizabeth. In the reign of Queen Anne there was an attack of the Savages, on the people at Purpooduck, or Spring Point. The wife of Joſiah Wallis was killed, and two children taken from her. The wife of Benjamin Wallis was killed; the wife of Joſeph Wallis, Thomas Leavit, and one Medeford, with their families, were carried into captivity. Joſiah Wallis fled to Scarborough, and carried his ſon John, then a boy, on his back, and ſaved him from the Savages.*

The method of a regular ſettlement by lots, checks, and ranges, is quite a modern contrivance in the Diſtrict; and did not exiſt, or was not generally practiſed, before the diviſion of the townſhips, granted in the year 1734, at the head of Falmouth, Scarborough, and Biddeford, called the Narraganſett townſhips. When a ſettlement was made under a patent, it was done by grants of the land proprietor, or of his repreſentative. When the Savages ſold, they ſold very much at the pleaſure of the purchaſer: and in either caſe there was no regularity in the location of the lands.

Caſco

* Depoſition of ſaid John Wallis, Mary Jordan, and Rebecca Sawyer, taken in the year 1749.

Caſco Bay, or what is now called Falmouth, and Portland, was taken up very early, by traders and fiſhermen, who did not expect to make permanent ſettlements, but who ſold their privileges, or rights of preoccupancy, from one to another, as ſuited their convenience.

In the year 1643, Sir Alexander Rigby ſent George Cleaves over, as governour of the plough patent, or Province of Lygonia.* This tract had not been under any regular government. The patent on Kenebeck, did not extend to it; the patents on Saco River, were within the bounds of it; and theſe, together with Camock's patent in Scarborough, were much in the way of Rigby's charter. The Maſſachuſetts took advantage of theſe controverſies, and extended their claim ſo as to comprehend Caſco Bay, or a great part of it. When Cleaves ſet his commiſſion on foot, he was oppoſed by Vines, who held the patent on the weſt of Saco River, granted to him and Oldham, in the year 1629. Cleaves, as agent to Rigby, made a deed to Michael Mitten, in the year 1643, of two thouſand acres of the land which is now in Portland. George Mountjoy had a grant from Gorges, of lands in or near the ſame place. The title under the deed to Mitten has been preſerved, from the wreck of Rigby's patent. Rigby granted to George Cleaves, in the year 1650, one thouſand acres in Caſco, but that grant has become obſolete.

The contentions continued until the reſtoration, after which nothing was ſaid reſpecting Rigby's patent: and when the Province of Maine became the property of the Maſſachuſetts Colony, an end was put for ſome time to all other claims. Some time between the year 1680,

* Winthrop's Journal.

1680, and 1690, preſident Danforth, under the authority of the colony, made a deed to Anthony Bracket, and ſeven others, of land in the town of Falmouth, in truſt. The Indians had renewed their depredations, at that time, and the war continued until the year 1692, when the town was intirely broken up. The inhabitants began to return again, about the year 1708; but the claims were not ſettled until the year 1718, at which date a book of claims was opened in the ſecretary's office, to regiſter the claims. It was then found that there had been ſuch a variety of titles, as rendered it neceſſary to give more weight to actual poſſeſſion, than to ancient conveyances. This again called up the poſſeſſions under grants from all the old patentees, and originated a controverſy between old and new proprietors, which has never yet been ſettled. The town was incorporated in the year 1718, and thoſe who call themſelves the new proprietors, had the management under title and authority from Maſſachuſetts. There was no diſtinction between town meetings, and proprietor's meetings, prior to the year 1730, but ſettlers were admitted as proprietors, on paying a certain ſum of money; and thus the heirs and aſſigns of the ancient ſettlers and grantees of Gorges and Rigby, were generally excluded, unleſs when by an ancient and continued poſſeſſion, they ſupported their claims.

The records, if there were any before the year 1692, were not preſerved, although there was no other town which was then broken up, where the records were not ſaved; but there was no other place where the deſolation was ſo complete, as it was in the town of Falmouth. It will appear that the records of the towns

on

on the weſt of Falmouth, were preſerved, as well as thoſe of the town of North Yarmouth.

The wars which the inhabitants of Falmouth have been engaged in, with the Savages, can never be correctly given in hiſtory, to the public. There were never any exact accounts made of theſe diſtreſſing tranſactions, by the generation which ſuffered under aſſaults of the Savages. And the hiſtorians who have mentioned the calamities of the eaſtern country, have been unacquainted with the geography of it; and have only made thoſe wars incidental matters to their writings. Mr. Hubbard wrote expreſsly, and profeſſedly, on the Indian wars, in the Diſtrict, but did not give ſuch an account of the depredations committed by the natives, as will at this day point us to the places where each fact happened. We have a relation of hoſtilities being committed in Caſco Bay; but whether this was in what is now in North Yarmouth, Falmouth, Portland, or Cape Elizabeth, does not appear from the hiſtory, becauſe all theſe towns are on the waters of Caſco Bay, and were anciently all known by that, as a general appellation. We are therefore obliged to find from ancient deeds, or records, or to obtain facts from tradition, to ſatisfy us of the particular place where the ancient ſettlers and planters lived, in order to decide where the depredations of the Savages were committed.

When the eaſtern Savages were inſtigated to hoſtilities, by Philip, the ſachem of Mount Hope, who had his place within what are the preſent lines of Rhode Iſland ſtate, they uſually made their place of rendezvous at Pegypſcott, which is now Brunſwick, and nearly thirty miles from what is now called Portland.

In

In July 1675, the Indians attacked the houſe of one Wakefield, who lived on a point of land on the eaſt ſide of Preſumſcott River, in what has ſince been called New Caſco, and now within the ſecond pariſh in Falmouth. Wakefield's place was conſumed by fire, his wife, three of his children, and a young woman in the houſe, with himſelf, were killed, and a young daughter carried into captivity, from whence ſhe was returned by the agency of Squando, the ſachem of Saco, the next year. One Ingerſol, who lived on the neck of land, now in Portland, ſaw the fire at Wakefield's, and the next day went to his plantation, and had evidence of the cataſtrophe of the unhappy family. In the ſame year Ingerſol's ſon was killed, when his father was abroad, and his houſes reduced to aſhes. Ingerſol lived on Caſco Neck, where Portland now is, and owned lands at the place now called Capiſick.

There was a ceſſation of hoſtilities obtained for that year; but in the year 1676, in the month of Auguſt, the Savages killed and captured a great number of perſons in Caſco. They carried away Anthony Bracket, with his wife, and one of his children. Bracket lived on the land granted by George Cleaves, to Michael Mitten, and where the family of Bracket has remained ever ſince. One Robert Corbin, who lived not far from Bracket's, was killed, together with Humphrey Durham, and Benjamin Atwell. Two of the women who were in Corbin's houſe, were carried away as captives. Thomas Bracket was killed at the ſame time, and his family captivated. There was a garriſon on the hill now called Mountjoy's Neck, eaſt of where the town of Portland is, but Mountjoy and his people had not confidence in its ſtrength, ſufficient to induce them

to

to tarry there, and they therefore fled from it, to an iſland in the bay, called James Andrew's Iſland, which is now ſaid to be that which is called Great Jebeag. The inhabitants received a general alarm, from having thirty four of their neighbours killed, or carried away by the Savages; and therefore fled to Jewel's Iſland for ſafety, and fortified a houſe for their defence; but in this ſituation they were obliged to ſeek for a ſubſiſtence from the main land, and from the waters. While ſome of them were employed in bringing corn from their fields on the main, and others in getting fiſh from the creeks, and on the ſhores; one Potts was near the ſhore taking fiſh, and his wife was on the bank within his ſight, the Indians ſurprized and carried her away, with all his children. A ſon of his attempted to fly to his father for aid, but was purſued into the water and taken. One of theſe children married a Clark, at Berwick, in which town ſhe had lived with one Torier, her mother's brother, after her return from captivity. She has often related the ſtory of her captivity in the hearing of the Author. The Indians attacked the fort, but did not take it. They aſſaulted the people of the garriſon, who were abroad, but were repelled by their courage. As ſome of the people who were abroad were flying to Richmond's Iſland in their canoes, they met a ſmall armed veſſel, who came immediately to the relief of the iſland, and carried the people away to Richmond's. There were ſeveral white people killed in this aſſault, and ſome of the Indians fell in the action, but how many is unknown.

The people at the weſtward, as well in Maſſachuſetts as New Hampſhire, were determined to give relief to the ſettlers on the eaſtern parts of the country. Accordingly

cordingly Captain Hathorne marched that way, in command of a conſiderable force, but never came up with any of the Savages. Yet while he was there the Indians deſtroyed Mountjoy's Iſland, and killed ſome of the people, and captivated others. After this was done they moved off to the wilderneſs, and left the country which they had laid waſte.

There is no account of further wars in that part of the country until the year 1686, when Sir Edmund Andros was appointed governour of Maſſachuſetts. There were no doubt hoſtilities frequently committed, but there are none of the particulars, which took place between 1676 and 1686, preſerved. In 1676, there was a peace made between the government at Boſton, and the Indians of Penobſcott; whether the influence of that treaty extended to all the Savages, or whether they had other motives to peace, is now unknown.

In 1689, the Savages again attacked the eaſtern country, and colonel Church was employed in the command of forces raiſed near Boſton to ſupport the people at Caſco Bay. His orders were from Thomas Danforth, preſident of the Province of Maine. He was to rendezvous at Falmouth, in Caſco Bay; there was alſo an order from governour Bradſtreet, who had been elected by the people after Sir Edmund Andros was ſent away. By this commiſſion he was to rendezvous at Falmouth, to have under his command captains Williard and Hall, and to make war againſt the Savages in and about Caſco Bay.

There was then a fort of ſome conſequence at Caſco, and when colonel Church arrived at what is now Portland, he received intelligence that there were ſeven hundred French and Indians on the iſland, aſſembled

for the purpoſe of taking the fort. The next day there was an engagement between the troops under Church and the Indians. There is no account of this action, excepting what Church gives in his hiſtory, and he has, from his being unacquainted with the country, deſcribed the place where it happened in ſuch a manner, that it is very difficult now to fix upon it, with any degree of certainty. He ſays, that he carried his army unto the woods before day, and after fixing out his ſcouts he returned to town; when, after ſunriſe, one of Bracket's ſons informed him that the enemy were in his father's orchard. It is clear from this circumſtance, that the Indians muſt have gone either up Fore River and landed above the town, or have gone up Back Cove, and landed to the head of it. The latter may be believed to be the moſt probable, becauſe Church ſays, that he fought the Indians acroſs the river, and was informed that they had run round the head of it, to go into town; and we may well ſuppoſe this river, to be the creek, which runs up from the waters of Back Cove. Beſides this, the Indians drew off to the northward, which they could not have done, if they were on the ſouth ſide of Fore River. The action was terminated in favour of Church; and though his troops ſuffered very much, yet he ſaved the town, and the whole eaſtern country, by that action. There were no more attempts made by the Savages, on Falmouth, in that year.

In the ſpring of the year, 1690, the Savages attacked the town again. There was a fort, near the water ſide, where Dearing's houſe now ſtands, and another on the hill, near where the burying ground is, and another on the rocky ground, ſouth from the place

where

where the firſt meeting houſe ſtands. The two laſt mentioned, were not very capable of defence; the people abandoned the one near where the burying ground is; and, in order to injure the aſſailants, placed a burning match in a hole bored into a barrel, which contained gun powder, with a hope, that, as the Indians entered, the powder would kindle, and give them an exploſion; but the firſt who entered, ſpied the match, and extinguiſhed it. They then proceeded, and carried the fort by the water ſide, by an aſſault, and the other ſurrendered. By this ſucceſs, one hundred people fell into their hands, and the town was deſolated.* The ſlain had no funeral ſolemnities, though their bones were gathered up by colonel Church the next year, and laid under the earth. The country, then being under the government of Maſſachuſetts Province, meaſures were adopted for its protection. A ſtrong fort was erected, near the water ſide, in Portland, called fort Loyal, and commanded by Captain Tyng. Divers other forts and garriſons were made in the town, by which the inhabitants were generally protected, and the town was increaſed in number of inhabitants.

In the year 1727, the town of Falmouth, including then, what is now Falmouth, Portland, and Cape Elizabeth, ſettled the Rev. Thomas Smith, as their miniſter; he is yet alive, and in the miniſtry at Portland. The Rev. Dr. Dean, was ſettled as a colleague with him, in the year 1767. Portland is what was the firſt pariſh in Falmouth: the Rev. Mr. Brown is the miniſter of the ſecond pariſh, and is the firſt miniſter ever

* Hutchinſon, and the relation of aged people.

ever ſettled there. The Rev. Mr. Williams is the ſucceſſor of the Rev. Mr. Wiſwall, who was the firſt miniſter in the third pariſh.

As the country ſettled round Falmouth, the neck of land, which is now Portland, became important. The harbour is very eaſy of acceſs for the largeſt ſhips, and the trade increaſed, in proportion with the inhabitants: and in the year 1775, there were upwards of two hundred houſes, nearly together, upon the iſthmus; a large Congregational meeting houſe, which yet remains, a very elegant Epiſcopalian church, and a court houſe, were the public buildings. A new province was in contemplation, and Falmouth was riſing to be the metropolis; but we know not the fate of tomorrow.

The ſharp contention of politics between England and America, did not extend itſelf to Falmouth, until after the year 1770. There was a cuſtom houſe there, and officers of various denominations, under the crown. It is a very extraordinary fact, that change of place or proſpect, will too frequently change a man's political opinion. The crown officers had no doubt on their minds, "that the parliament had a right to legiſlate for the colonies in all caſes whatever:" and the committee of the town were as clear in the reverſe of the propoſition. Beſides this, the Epiſcopalian miniſter conceived the hierarchy to be in danger, unleſs the ſupremacy of the king was ſupported over the civil governments, as well as over the church. To have an eccleſiaſtical head, without civil authority, would be a fundamental error, according to the dogmas of the church. Mr. Wiſwall, and the greater part of his ſociety, took a decided part with the parliamentary claims. Civil diſputes can generally be managed with calmneſs

neſs and humanity, unleſs there is a mixture of religious tenets, with political opinions. The animoſities between what were then called the whigs and tories, increaſed daily, and finally became ſo exceedingly bitter, that the Epiſcopalian clergyman, the cuſtom houſe and other crown officers, with many others, fled for protection to the Britiſh army at Boſton.

There was then, and for ſome years before had been, a ſmall ſloop of war, commanded by Captain Moet, who had been frequently at Falmouth, and had been treated with great hoſpitality there. Emboldened by the former courteſy of the inhabitants, he ventured to land in the town, in the year 1775, after hoſtilities had been commenced by the Britiſh troops, at Lexington. There were no acts paſſed, for fitting out armed veſſels to cruiſe on the Britiſh ſhips, until the month of October, in that year. Captain Moet regaled himſelf with walking on the hill at the eaſt part of the town, when, to his great ſurprize, Mr. Thomſon, of Brunſwick, who is now known by the title of brigadier Thomſon, ruſhed from a copſe of pines, with a ſmall party of volunteers, under no orders of government, and made him a priſoner. He had no friend nigh, for the tories were all gone over for protection, and his leaving his ſhip was an act of imprudence which would undoubtedly forfeit his commiſſion. He, however, obtained aid from a quarter, where he did not look for it. The people at once became alarmed at an act, which, while it could by no means contribute to the aid of the common cauſe, might endanger the town: for if he ſhould, having been taken there, be held in captivity, there were ſtrong reaſons to apprehend that the admiral, then at Boſton, would reſent the inſult, by diſtreſſing,

if not by deſtroying the town. Upon theſe ideas, colonel Preble, and colonel Freeman, the leaders of the whig party, applied for, and obtained his releaſe, upon their becoming anſwerable to Mr. Thompſon for his future conduct. As ſoon as he was ſet at liberty, he ſailed for Boſton.

It might have been ſuppoſed, from this piece of attention and kindneſs, that Captain Moet would have been the friend of the people, from whom he had received it; but that was not the return which their urbanity received. The men who had fled from the town united with Captain Moet, in ſoliciting the admiral for the deſtruction of the place. No doubt, ſome of thoſe refugees may be excuſed from a charge, which nothing but the heat of a civil conteſt could inſtigate any civilized people to commit.

On the 18th day of October, in that year, Captain Moet returned to the harbour of Falmouth, with his ſloop of war, a brig, and two or three ſmall veſſels. He gave the people notice, that he was under orders to reduce the town to aſhes; and that he ſhould begin the buſineſs the next morning at ſun riſe. We may wonder, at this day, that no oppoſition was attempted: but when we reflect on the diſtreſs into which the inhabitants were thrown, the anxiety they muſt ſuffer, and the propenſity which each one muſt have poſſeſſed, to ſave ſome ſhare of his goods from the general conflagration, our wonder will ceaſe. To this may be further added, that a conteſt with cannon, was quite a novelty to the people, and the force of a ſhip of war, had, from the habit of thinking in the country, obtained a terrible idea: beſides this, there were only two ſix pounders, and for them there were no cartridges

bridges prepared. The people employed themſelves, during the night, in removing ſuch of their effects as they could carry away, and the next morning the town was in flames. The ſhip, and other veſſels, lay before the town all day, and, without ceſſation, threw ſhells, carcaſſes and hot ſhot, until the public buildings, (excepting the Congregational meeting houſe) with one hundred and thirty dwelling houſes, beſides ſtables and appendages, were reduced to aſhes. This being done, Captain Moet, with his fleet, drew off. They tried to ſave the houſes of the refugees, and ſucceeded in ſeveral inſtances. Thus the pride of the Province of Maine was laid deſolate in one day: and one hundred and ſixty families, who, the day before, were in eligible and comfortable circumſtances, were reduced to want, and had not where to ſhelter themſelves from the autumnal ſtorms, or the approaching winter.

There was an alarm, which ſpread itſelf in a very extraordinary manner, ſoon after the cataſtrophe of that unfortunate town: all the ſea coaſts were alarmed on the ſame night, from Boſton to Kenebeck, with an univerſal cry that the Britiſh troops were landing to burn the habitations of the people. This alarm urged the people to throw up ſlight fortifications, on the harbours; and whilſt the towns weſt of Falmouth, were employed in that buſineſs, Captain Symonds came into the harbour of that town, with a ſhip of more force than all thoſe which had deſtroyed it. An expreſs was ſent to the other towns, and a number of volunteers went to the aſſiſtance of the remains of Falmouth, and joined the people there. When they arrived, the captain of the ſhip ſent on ſhore, to forbid their throwing up any works; they however proceeded, and prepared

the materials for a battery ; and fitted two ſix pounders, which were all the artillery they had : on ſeeing that they were determined to attack the ſhip with the means they could command, the captain forgot his threatening, and went out of the harbour as ſoon as he could get away. The general court, on having this matter ſtated to them, ordered, that a ſufficient force ſhould remain there all the winter, with four hundred troops, raiſed for the purpoſe of defending the ſea coaſt, and with authority to call in all the militia of the Diſtrict, if it ſhould be found to be neceſſary. Brigadier general Fry was ſent, by general Waſhington, to take the command, in the ſucceeding ſpring ; but there never was another attempt on the place. The forts which were thrown up haſtily and without much ſkill, before general Fry came, are to be ſeen there now.

The town has increaſed exceedingly, and, like the Phœnix, ariſes from the aſhes of its parent, with great magnificence and proſperity.

Amongſt all the calamities which Falmouth had ſuffered, from its firſt ſettlement, there was none like this. The Savages had ſacked the place twice, and at divers times had aſſaulted and killed ſome of the inhabitants ; but no act of theirs was marked with ſuch deliberate cruelty, and ungenerous perfidy, as this was. The Savages ſcalped women and children to obtain a bounty, they robbed houſes for the ſake of the plunder ; but Captain Moet, wantonly, without the hope of gain, cruelly, and without provocation, deſtroyed the ſubſiſtence, and blaſted the hopes of a whole community.

As an appendix to the hiſtory of Falmouth, that of George Burroughs, may be introduced, to relieve the

mind

mind from the impreſſions made by attending to the unfortunate deſtruction of the town.

Burroughs was born in the county of Eſſex; what his education was, or where he acquired it, is not known at the preſent day. Governour Hutchinſon ſays, that he was ſometimes a preacher at Wells; perhaps there is no miſtake in that; but we know, that he, in the year 1685, was a preacher in Falmouth. The cellar of his houſe was ſeen, ſince the year 1770, ſouth of the Rev. Dr. Dean's meeting houſe. When the town was ſacked by the Indians in the year 1690, Burroughs made his retreat to Danvers; where he reſided in the year 1692. He was a man of a bad character, and of a cruel diſpoſition. In the year laſt mentioned he was indicted of witchcraft, and tried at Salem, before judge Sewall, and judge Hawthorne. The indictment was in the words following, viz.

"*Eſſex, ſſ.* The jurors for our ſovereign lord and lady, the king and queen, preſent, that George Burroughs, late of Falmouth, in the Province of Maſſachuſetts Bay, clerk, the ninth day of May, in the fourth year of the reign of our ſovereign lord and lady, William and Mary, by the grace of God, of England, Scotland and Ireland, king and queen, defenders of the faith, &c. and divers other days, and times, as well before as after, certain deteſtable arts, called witchcrafts and ſorceries, wickedly, and feloneouſly hath uſed, practiſed, and exerciſed, at and within the town of Salem, in the county of Eſſex aforeſaid, and in and upon, and againſt one Mary Walkot, of Salem Village, in the county of Eſſex, ſingle woman, by which ſaid wicked arts, the ſaid Mary Walkot, the ninth day of May, in the fourth year aforeſaid, and divers other days, and

times,

times, as well before as after, was, and is tortured, afflicted, pined, confumed, wafted, and tormented, againſt the peace of our ſovereign lord and lady, the king and queen, and againſt the form of the ſtatute, in that caſe made and provided." Three other bills were found againſt him, amongſt which one was for practiſing upon one Ann Putman.

Governour Hutchinſon ſays, that he was charged with holding out a gun of ſeven feet barrel with one hand; and of carrying a barrel of cider from a canoe to the ſhore, and of cruelty to his wives. This is not an accurate account of the evidence. The affidavits of the witneſſes were taken in writing, and ſworn to in open court, and are now on the files of the court of common pleas in Salem.

Samuel Webber teſtified that, "about ſeven or eight years before that time, he lived at Caſco Bay, George Burroughs was then miniſter there, and having heard much of his great ſtrength, and the ſaid Burroughs coming to our houſe, we were in diſcourſe about the ſame, and he then told me, he had put his fingers into a bung hole of a barrel of molaſſes, and lifted it up, and carried it round him and ſet it down again."

There was another man, who teſtified, that he ſaw "parſon Burroughs put his fore finger into the muzzle of a large gun and hold it out ſtrait."

Suſannah Shelden teſtified, that Mr. Burroughs' apparition came to her, and told her "that he had killed three children of his neighbours, his own two wives, and two of his own children."

Mercy Lewis teſtified thus, "Burroughs took me up on an high mountain, and ſhewed me all the kingdoms of the earth, and offered them to me, if I would write

write in his book, and ſaid he would throw me down, and break my neck if I would not; and ſaid that he kept the devil as a ſervant in his ſhop."

Before the grand jury Ann Putnam teſtified, as follows, "on the 8th day of May, 1692, I ſaw the apparition of George Burroughs, who grievouſly tortured me, and urged me to write in his book, which I refuſed: then he told me, that his firſt two wives would appear to me preſently, and tell me a great many lies, but I muſt not believe them. Then immediately appeared to me the forms of two women in winding ſheets, and napkins about their heads; at which I was greatly affrighted; and they turned their faces towards Mr. Burroughs and looked very red and angry, and told him that he had been very cruel to them, and that their blood cried for vengeance againſt him; and alſo told him, that they ſhould be clothed with white robes in heaven, when he ſhould be caſt down into hell, and he immediately vaniſhed away. And as ſoon as he was gone the two women turned their faces towards me, and looked as pale as a white wall, and told me they were Mr. Burroughs' two firſt wives, and that he had murdered them. And one told me, that ſhe was his firſt wife, and he ſtabbed her under the left breaſt, and put a piece of ſealing wax in the wound, and ſhe pulled aſide the winding ſheet and ſhewed me the place. And alſo told me that ſhe was in the houſe where Mr. Paris* then lived, when it was done. And the other told me that Mr. Burroughs, and a wife he hath now, killed her in the veſſel, as ſhe was coming to ſee her friends from the eaſtward, becauſe they would have one another.

* The miniſter of Danvers who firſt ſet the matter of proſecuting for witchcraft on foot.

er. And they both charged me to tell theſe things to the magiſtrates, before Mr Burroughs' face; and if he did not own them, *they did not know* but that they ſhould appear. This morning alſo, Mrs. Lawſon and her daughter, told me that Mr. Burroughs murdered them. This morning alſo appeared to me, another woman in a winding ſheet, and told me that ſhe was Goodman Fuller's firſt wife, and Mr. Burroughs killed her, becauſe there was a difference between her huſband and him. Alſo on the 9th day of May, during the time of his examination, he did moſt grievouſly torment Mary Wolkot, Mercy Lewis, Elizabeth Hubbard, and Abigail Williams, by pinching, pricking, and choaking them."

There was ſome other evidence to corroborate this. Burroughs was found guilty, on all the indictments, and was executed.

There was an extraordinary deluſion in the old colony of Maſſachuſetts, at that time, as well as in Europe. In both countries many innocent people ſuffered an ignominious death; and there can be no doubt, but that the people who appeared to be tortured, were poſſeſſed by evil ſpirits of ſome kind or other; nor have we any reaſon to doubt, whether there was not ſome extraordinary cauſe from the ſtate of the atmoſphere, or from ſomething elſe, which operated on the nerves of the judges, and on the people at large, depriving them in a great meaſure of their rational faculties.

If Burroughs had continued at Falmouth, he might have fallen a victim to the Savages, but he would not have been executed for witchcraft, becauſe there never was a proſecution for that crime to the eaſtward of Piſcataqua River.

SCARBOROUGH.

SCARBOROUGH.

THE town next to, and on the weſt ſide of what was anciently Falmouth, or Caſco, is Scarborough. One part of this town was known under the appellation of Black Point, and the other of Blue Point. The territory which was under the former name, is now the eaſt pariſh, where the reverend Mr. Lancaſter is miniſter; and the part which was called Blue Point, is the weſt pariſh, where the reverend Mr. Chadwick is ſettled. The whole town is bounded on the ſouth by the ſea, on the eaſt by Cape Elizabeth, on the north by Gorham and Buxton, and on the weſt by Pepperellborough: it was incorporated by its preſent name in the year 1658, by the Maſſachuſetts government. There are now two thouſand five hundred inhabitants in the town.

The firſt ſettlements there were under Rigby's government. The lands in the eaſt pariſh, near the ſea, are held generally under Cammock's patent, a grant to Joſſelyn; thoſe in the weſt pariſh are held under the Indian conveyance to John Alger, and a part of the patent to Lewis and Benython. With theſe are intermixed a number of town, or proprietary grants, which were made in oppoſition to the ancient titles. The upper part of the town is held altogether under ſuch grants.

The firſt account of a ſettlement at Black Point is in Winthrop's Journal; he ſays, that at a general court held in Boſton, in the year 1642, "appeared one Richard Gibſon, *a ſcholar*, ſent ſome three or four years ſince to Richman's Iſland, to be a miniſter to a fiſhing plantation there, belonging to Mr. Trewlaney, of Plymouth in England." Gibſon did penance for ſpeaking againſt

againſt the government, and on ſubmitting to its power had leave to depart the country.

The plantation was very inconſiderable when it was incorporated, and there are no town records of an earlier date than the year 1669. In theſe, there is not any thing worthy of notice until the year 1681. In that year a liſt was taken of the inhabitants, for a tax to the province of Maſſachuſetts, which had then ſucceeded by purchaſe to Gorges' right. Two thouſand ſeven hundred and ſeven acres of land and marſh were returned, ſixteen horſes, eighty cows, and ſixty four rateable inhabitants. In September, the ſame year, there was a liſt returned of fifty ſix inhabitants only, but this muſt have meant rateable inhabitants.

In the year 1681, Philip Foxwell, Jonathan Tenny, Samuel Oakman, and Henry Williams were ſelectmen. In that year the inhabitants erected a fort on the eaſt ſide of the town, near where the eaſt pariſh meeting houſe now ſtands. In the year 1685, the town voted to build a meeting houſe on the plains near the fort. The beſt lands were on what is called Noneſuch, a ſmall ſtream which loſes itſelf in a creek that comes up near Black Point, through a great body of ſalt marſh. The lands on the eaſt ſide of the ſtream are not ſo valuable, as thoſe on the weſt ſide; but on the banks of that water were the principal ſettlements in the year 1669. From the goodneſs of the ſoil on the weſt ſide, it is ſaid the ſtream took the name it bears at this day.

In the year 1682, there was a vote in the town "to raiſe a tax of two ſhillings and one penny, on each perſon, for the *Lord*. But there was very ſoon a controverſy reſpecting the place where the meeting houſe ſhould be erected, and Edward Tyng and Francis Hook were

were appointed by the council to ſettle the diſpute: who reported to have it near the fortificatio:. The next year the line was ſettled between that town and Falmouth.

The records are continued regularly until the year 1690, but there is nothing worth notice in the proceedings of the town.

In the year 1675, the town had its ſhare in the troubles of the times. A woman, and ſix men, were killed there, in that year; and twenty houſes burned. In the ſucceeding year an attack was made on John Alger, who lived in what is now the weſt pariſh, on lands he had purchaſed of the natives; after a warm engagement of more than an hour, he received a mortal wound, of which he died, and his brother was killed by the Savages within a few days after.

The ſame year there was an aſſault made on the garriſon in the eaſt pariſh, or at Blue Point, as it was then called; Mr. Joſſelyn commanded the fort wherein the people had retired for ſafety, but was induced to give it up by the addreſs of one Mugg, an Indian, who had been much among the Engliſh. While Joſcelyn was in treaty with Mugg, the people fled from the fort and went over to Richmond's Iſland: Joſſelyn, upon this, ſubmitted with his houſehold ſervants to the mercy of the Savages. Upon hearing of this unfortunate affair, a party ſet out from Great Iſland, in New Hampſhire, under the lead of James Fryer, to relieve this diſtreſſed plantation; and landing from their veſſel, they fell into an ambuſh of the enemy, and ſome of them were killed, and the others taken. Fryer was mortally wounded, and ſoon after died. The Savages uſed the priſoners with humanity, and ſuffered ſome of them to

be

be ranſomed immediately; others they carried to their winter quarters. Among thoſe who were carried away, was a Mr. Cabbot, the ſon of the miniſter of Ipſwich. He was carried to the winter quarters of his captor, at Mount Deſert, from which he was ſent to Penobſcott, and redeemed of Madockawando, the ſachem there, for a red coat.

The town was not broken up by this misfortune, but continued garriſoned at Richmond's Iſland until the year 1678, when an Indian peace took place. They thought themſelves ſecure under the government and protection of the Maſſachuſetts, and cheerfully ſubmitted to be taxed: but in the year 1690, they were comprehended in the general deſtruction of the eaſtern country: and though the government they confided in, could not protect them, yet it provided for their retreat to a place of ſafety. The town records were brought to Boſton, where they were preſerved by the governour and council, until the year 1719, and were then delivered to the town.

There is on the town records the form of two oaths then adminiſtered in New Hampſhire, by lieutenant governour Wentworth, to William Cotton, who had brought the records of Scarborough from Boſton, to deliver the ſame to the agent of the town, who was ſent to Portſmouth to take poſſeſſion of them. The oath was in the words following, viz. "You ſwear by the name of the great God, that this book of records is the whole, which you received from the governour and council, and the ſeals have not been broken ſince you received the ſame."

The records were delivered to James Jeffries, and he was ſworn as follows: "You ſwear by the name of God,

God, that, as you are desired fairly and faithfully to copy out every thing written in this book of records of Scarborough, that you will neither directly, nor indirectly, add to or diminish therefrom, and that you will deliver the same unto lieutenant governour Wentworth, for the use of the town." The copy taken by Jeffrey, was lodged with governour Wentworth, but what became of it is uncertain, as no accident ever created a necessity to call for it.

However flattering the resettlement of the place might be, yet the prospect was very soon blasted by a succeeding war.

In the year 1723 the Indians began their cruelties, and in the spring, eight of the people of Black Point were killed; among them was Captain Hammon, a respectable leader, who died of fifteen gun shot wounds. The attack was sudden, but the people defended themselves in the fort. The Indians proceeded on to the west side of the town, and in their way killed the wife of Roger Dearing, who lived on a farm, since known by the name of Nonesuch, and carried three of his children into captivity. The next year one Mitchel was killed at Black Point. There was a cessation of hostilities soon after this, and a peace concluded between the French and English, which gave safety to the eastern frontiers, until the year 1744. In the year 1746, two or three persons were killed at Blue Point, but as the Ossipee tribes, and the Pickwocket Indians, were broken up, and a line of forts established on the eastern frontiers, and the towns of Buxton and Gorham planted above, Scarborough had not much to fear from the Savages.

The

The Rev. Mr. Thompſon, was the miniſter of the firſt pariſh, after the town was reſettled. And the Rev. Mr. Elvin, was the miniſter of the weſt pariſh, before the gentleman who is there now.

The town of Scarborough is, in general, good land, and thoſe who have depended on the ſoil for ſubſiſtence, have done very well; but thoſe who have gone much into the lumber buſineſs, have been greatly impoveriſhed. The advantages of ſoil are very good, and when the inhabitants ſhall attempt to change their extenſive ſalt marſhes into freſh meadows, they will reap great advantages from that mode of agriculture.

BIDDEFORD.

The river Saco invited people, for the purpoſe of the fiſheries, at a very early date; ſalmon, ſhad, and other fiſh, were plenty there, and the ſea afforded cod-fiſh, in great plenty, near the river. Theſe advantages drew a number of fiſhermen together, previous to any grant of the ſoil from the Europeans; and ſoon after the grants were made, there came over a number of very reſpectable men: The poſterity of ſeveral of them, notwithſtanding the wars which have diſtreſſed the country, remain there to this day.

In the year 1636, the inhabitants of the plantation, then called Saco, agreed to raiſe a tax for the ſupport of public worſhip. The aſſeſſment of that tax, as it ſtands recorded, has preſerved the names of the firſt ſettlers. Richard Benython, Richard Vines, and Thomas Lewis, were taxed three pounds each; Henry Boad, John Wadlon, Thomas Williams, forty ſhillings each; and Robert Sankey, Thomas Davis, George Froſt, Oliver Greenway, John Parker, John Smith, Samuel Andrews,

William

William Chaddock, Robert Morgan, Henry Warrick, Robert Hitchcock, Thomas Page, Ambroſs Berry, Henry Watts, and Richard Foxwell, twenty ſhillings each.

On Saco river, was the firſt exerciſe of civil government within the Province of Maine. Courts were there erected, and a control of juriſprudence ſubmitted to at a very early period; but this will come more properly under the head of *Revolutions of Governments.*

The plantation of Saco, was begun at a very early period. In the grant of the council for the affairs of New England to Oldham and Vines, in the year 1629, it is recited, that "John Oldham, of New England, gentleman, planter, had for ſix years laſt paſt, lived in New England, and had, at his own expenſe, tranſported divers perſons there, and undergone great labour and danger; and that he, with Richard Vines, gentleman, and others, their aſſociates, had undertaken to tranſport fifty perſons thither, within ſeven years, to plant and inhabit there, to the advancement of the general plantation of that country, and the ſtrength and ſafety thereof, againſt the natives, or any other invaders." In conſideration of theſe exertions, the council granted to Vines and Oldham, "all that tract known by the name of Sagadahock, being between the cape or bay, called Cape Elizabeth, and the cape or bay, commonly called Cape Porpoiſe, containing from eaſt to weſt, along the ſea, four miles, and eight miles into the country, on the ſouth ſide of Sagadahock, yielding one fifth part of all the mines to the king, and paying to the council, twelve pence, ſterling money, annually, forever, for each hundred acres." The deed was ſigned by Ros Warwick, Edward Gorges, Ferdinando Gorges, and

Thomas Smith, and livery of ſeſin given in the year 1630.

Richard Vines, afterwards, in the year 1645, ſold his ſhare in the patent to Robert Childs, Eſq. Doctor of Phyſic; and the patent, after that, was called the patent of Oldham and Childs; Vines was a high Royaliſt, which made it inconvenient for him to tarry in America, after the year 1645.

In the year 1629, the council of Plymouth, granted to Lewis, and Benython, a patent on the eaſt ſide of Saco River, four miles wide on the ſea ſhore, and extending on the river eight miles into the country. The river was then called Sagadahock, and the plantation called Saco. It is to be obſerved, that all the ſettlements in that day were on the ſea wall. The road from Piſcataqua eaſtward, was on the ſea ſhore, through Cape Porpoiſe, and over the mouths of Saco River, Blue Point River, Black Point River, and through Cape Elizabeth, over a ferry kept on Fore River, to where Portland now is, until the year 1750, when the poſt road now uſed, was laid out by order of the county court.

The firſt ſettlements in Saco were on Winter Harbour, and along the ſea ſhore. There does not appear to be any regular ſettlement made at Saco before the year 1636. The various contentions for juriſdiction, between Gorges and other claimants, muſt have been very diſcouraging to the planters. What added ſtill more to their difficulties, afterwards, was, that the ſucceſs of the parties here, depended much upon the termination of the civil war in England. If Charles prevailed againſt the people and parliament, then Gorges' claim would riſe ſuperior to all the oth-

ers,

ers, and the Maſſachuſetts could not contend againſt him; but if the people prevailed, then there would be an end to the royal patent: this controverſy continued until the year 1648; nor could the event be known here, until 1649. The people were raiſed from their ſtate of ſuſpenſe and heſitation, in the year 1653, and took their lands under the Maſſachuſetts, notwithſtanding they had before held under Vines and under Rigby. The men who appeared, were William Phillips, of Boſton, Ralph Triſtram, Peter Hill, and others, who had before agreed to have lands and meadows of Vines and Oldham: yielding one day's work annually, and one fifth part of all the mines and minerals, to them, their heirs and ſucceſſors. The ſame William Phillips afterwards lived at Saco, on the weſt ſide of the river, near the corner on which the traveller turns to go to the bridge. The cellar of his houſe remains ſo far as to diſtinguiſh the place of his ancient habitation; he was the anceſtor of the preſent preſident of the ſenate of Maſſachuſetts. He afterwards purchaſed the ſame lands, and divers other large tracts on the river, of the natives.

In the year 1653, the freemen of Saco met, and divided their meadows. There was a claim by the inhabitants to the mill privileges on the river, according to which they allowed Roger Spencer, in the year 1655, to erect a ſaw mill, he paying the town twelve thouſand feet of boards, and employing townſmen in preference to others. The ſettlers multiplied, and James Gibbons, and divers others, in the year 1655, were made freemen. In the year 1661, ſeven men were choſen to take care of the town affairs, under the denomination of *prudential men*.

One Seth Fletcher was the firſt preacher there. A vote is recorded in the year 1666, for ſeating the women in the meeting houſe, and Mrs. Phillips, the wife of the gentleman before mentioned, and Goody Booth, who was, no doubt, the wife of Robert Booth, Eſq. were placed in the moſt honourable ſeat. In the year 1667, the town voted to raiſe fifteen pounds ſixteen ſhillings and eleven pence, to be paid in wheat at five ſhillings and ſix pence a buſhel, and Indian corn at three ſhillings and ſix pence, and other things in proportion. From this it may be concluded, that there was no great ſcarcity of money in the country at that time. In the year 1669, the vote of the town was unanimous, to continue Mr. Fletcher as a miniſter; and to pay him fifty pounds a year, as ſalary; for which purpoſe, it was ordered, that every ſimple man ſhould pay fifteen ſhillings, and all the others according to their eſtates. How long Mr. Fletcher continued their miniſter does not appear; but it is very probable, that he was there until the Indian wars came on in 1675. There ſeems, after that time, to be a chaſm in the records. In the year 1717, Mr. Short was ſettled as a miniſter, and the next year, the general court made a grant of forty pounds to ſupport a miniſter at Winter Harbour, for that year, and ordered that the inhabitants ſhould be inveſted with town privileges, according to the ancient bounds of the town: provided the order was not to infringe on titles, and that at leaſt fifty families be admitted and ſettled in a compact and defenſible manner, as ſoon as may be, according to the direction of the honourable John Wheelwright and others, a committee for regulating caſtern ſettlements, and that the name thereof be *Biddeford*."* By this it appears, that the town was thus

* Biddeford Records.

thus incorporated in the year 1718. It was a corporation by the name of Saco, as early as 1644, under the government of Sir Alexander Rigby.

In the year 1718, the town agreed to build a meeting houſe, thirty five feet long and thirty feet wide. That houſe was erected near Winter Harbour, five miles below where the poſt road now is. How long Mr. Short continued their miniſter does not appear; but, in the year 1723, there was a committee raiſed to apply to the town of Arundle, to engage that town to allow their miniſter, the reverend Mr. Eveleth, to preach half the time at Biddeford; and he agreed to come for twenty ſix pounds. In the year 1729, they voted to give Mr. John Moody an invitation to ſettle, but he declined; and the ſame year the Rev. Mr. Willard, the father of the preſent preſident of Harvard college, was ſettled there; after his death, which happened within a few years after he was ordained, the Rev. Mr. Morrill was ſettled, and on his death in 1777, the preſent miniſter, the Rev. Mr. Webſter, was ordained.

The town of Pepperellborough was incorporated in the year 1772; and contains that part of Biddeford, which was on the eaſt ſide of Saco River, comprehending all the patent of Lewis and Benython, excepting a ſmall part, which has fallen within the juriſdiction of Scarborough. The Rev. John Fairfield is the firſt ſettled miniſter there. The town contains fourteen hundred inhabitants, and Biddeford eleven hundred.

The land in Biddeford on the bank of Saco River is very good, but farther back the ſoil is rather indifferent. This occaſioned the lots to be laid out in an awkward manner, which has retarded the ſettlement of the place. The lots are from thirty to one hundred rods wide on

the river, and extend four miles in length acroſs the patent of Vines and Oldham.

Saco ſuffered in common with the other eaſtern plantations by the Savages.

John Benython, who was the ſon of the ancient patentee, lived on the patent about half a mile below the Fall, on the eaſt ſide of the river, and a quarter of a mile from the water. Within thirty years paſt, the foundation of his chimney was turned up by the plough, and an odd formed braſs candleſtick, with other old faſhioned utenſils, were found where the cellar is ſuppoſed to have been. The houſe was burned by the Indians, in the year 1675, as will be mentioned preſently.

Vines lived near Winter Harbour, on the ſea ſhore, but major Phillips erected his houſe on the weſt ſide of the river, near where the bridge is now ſtanding. When the Indians, under the ſachem Philip, and the Narraganſett tribes, made war on the white people, Phillips and Benython fortified their houſes, becauſe they were apprehenſive of an attack from the Savages, who were inſtigated by the weſtern tribes.

The Indians, and white people, were in cloſe neighbourhood on Saco River, from the firſt period of their ſettlement to the year 1675, and held a friendly intercourſe together; nevertheleſs the white people generally fortified themſelves againſt an expected invaſion of their habitations. An Indian woman was affronted by a fooliſh curioſity in one of the people of Saco. It had been ſaid that the Savages had ſuch a natural propenſity for ſwimming that they would keep themſelves from ſinking before they were a day old: to make the experiment he caſt an infant into the river; the child ſunk, and the mother immediately plunged in the water

to

to ſave her infant from drowning. This happened at an unlucky moment, when the weſtern Indians were inſtigating the Abenaquis to hoſtilities.

In September 1675, a friendly native gave Mr. Benython notice, that a ſtrange Indian had come from the weſtward, and was then among them. Alarmed at this circumſtance, Benython came over the river to the garriſon of major Phillips for ſafety. He had not been there an hour, before he ſaw the flames of his own buildings. The Savages croſſed the river in the afternoon, and made an aſſault on the garriſon of Phillips; the major, and the few people who were with him, made a couragious, and ſucceſsful defence. In the evening, the enemy contrived a ſtratagem, deſigning to carry the place by aſſault. They took the large wheels which were uſed at the mills for the lumber buſineſs, and erected a battery upon the axletree, and taking hold of the ſpear ran it back towards the garriſon; Phillips ſtood ready for an opportunity, and there being ſoft ground on the bank of a brook, which is now to be ſeen at the corner of the way as the traveller turns towards Saco Bridge, and near the cellar of Phillips, one wheel ſunk into the mire, and the other holding its motion, turned the ſpear, by which the Indians were puſhing the wheels, ſo that they were all expoſed to the fire of the fort, which was ſo well directed that they were diſcouraged from any further attempt. The Capt. of the aſſailants was mortally wounded, and ſeveral others killed. Before the Indians erected the battery on the wheels, they burned the ſaw mills, and all the out houſes, and tenants' habitations. The Indians having loſt fifteen of their number moved off towards Blue Point.

The

The principal ſettlements at Saco, at that time, were on the ſea ſhore, near Winter Harbour, which was then called the town: and the place where Phillips lived on the falls of Saco River, was conſidered as a frontier. He urged the people from the town to come to his aſſiſtance, but they declined it, and he therefore deſerted his fortreſs; which ſoon after was deſtroyed by the enemy. Major Phillips, and ſeveral of his people, were wounded in the defence of his garriſon. In that fall, ſeveral people were killed at Saco, and ſome carried into captivity. The whole of the plantations, excepting the fiſhermen's huts, which were on a neck of land, formed by the waters of the pool, and by the ocean, were in that ſeaſon of the year, deſtroyed by the Savages.

There was no further attack upon Saco, and a peace took place the latter part of the year after.

There were no other hoſtilities until the year 1688, when Caſtine, a Frenchman, whoſe character has been mentioned, furniſhed the Indians with powder and other ſtores, for making war. This he was moved to do, becauſe his houſe was plundered at Penobſcott by the white people while he was abroad. One Blackman ſeized eighteen Indians at Saco, and carried them priſoners to Boſton; but they were ſet at liberty by Sir Edmund Androſs, governour of the Province.

In the year 1693, Captain Convers, who had the command of four or five hundred men, under the pay of Maſſachuſetts, and raiſed for the defence of the eaſtern country, erected a ſtone fort on Saco River, not far from where the garriſon of Phillips' had been; the remains of it are to be ſeen oppoſite to the Lower Fall on the river at this day. That fort was well placed,

and

and ſtrongly built. The Indians never attempted to take it, and the ſettlers derived great ſecurity from its exiſtence.

There were frequent aſſaults from the Savages, and frequent ceſſations for ſhort periods, but there is no account of any further depredations on Saco, until the year 1710. In October, Bomazon, a noted ſachem, appeared at Saco with ſixty or ſeventy men, and killed ſeveral people and captivated ſeveral others. There was a long truce after the treaty of Utrecht, in 1712; but hoſtilities were commenced in the year 1723. In July, Dommicas Jordan, who lived on the neck of land at Winter Harbour, was aſſaulted in his field, but being a man of great courage and firmneſs, he took up, and preſented his gun, and without diſcharging it, went backwards and recovered his garriſon. He received three wounds in his retreat. The garriſon houſe is there at this day. The poſterity of Jordan are the principal men in the town, in the preſent time; one of his grandſons is preſident of the court of ſeſſions, and firſt juſtice of the court of common pleas, and another is a magiſtrate, and was lately a ſenator from that county.

The long peace which preceded the war of 1744, gave a reſpite to Biddeford in common with the other frontiers. A garriſon, called a block houſe, was erected in that war, at the diſtance of five miles from Saco Falls up the river. There were one or two people killed in or near Biddeford, in that war; but as the Oſſipee tribes, and the Pickwocket nation, were nearly extirpated, there was no great danger from Indians. There are the remains of ſeveral garriſons on and near the river. There was a garriſon called Scammon's Fort,

in

in the year 1690, the remains of which do not now appear. It muſt have been on the high land about one mile below the meeting houſe in Pepperellborough, and about one quarter of a mile from the river. In that year, the famous colonel Church, and captain Convers, exchanged a few ſhot with the Indians, near that garriſon, and killed ſeveral of them.

The Indians had ſeveral towns up the river Saco; and on the Oſſipee Rivers, which empty their waters into the Saco, they had a reſidence for ſeveral tribes; but their capital town was fifty miles from the ſea, where Fryburgh now is, and was then known by the name of Pickwocket.

Governour Winthrop, in his Journal, page 247, gives an account of the adventure of one Darby Field, in going up to the White Hills in the year 1642. There can be no doubt, from the deſcription there given of the hills, agreeing ſo exactly with what is given by late travellers, that Field went to the top of theſe mountains. He called it the diſtance of one hundred and ſixty miles from the ſea, but it is now found to be half that diſtance only. He was eighteen days, with an Indian guide, in his journey to the Hills, and other people ſince that time have accompliſhed it in four days. At the foot of the Hills, he ſaid, there was an Indian town with two hundred houſes: There can be no doubt but that this was Pickwocket, though that ſettlement could hardly be ſaid to be at the foot of the hills. The higheſt part of the Mountain is more than thirty miles from the village, but the hills riſe above each other, in continuation, from Pickwocket to the ſummit of the Mountain.

ARUNDLE.

ARUNDLE.

THE ancient village of Cape Porpoiſe was incorporated by the name of Arundle in the year 1718. That town is principally on a cape, known on the charts by the appellation by which the village was formerly called.

The lands granted by the council of Plymouth to Vines and Oldham, on the weſt ſide of Saco River, was allowed to its original grantees by the favour of Maſſachuſetts government; but Cape Porpoiſe being held by grants under Rigby, who by his patent, claimed the powers of civil government, had not much reſpect paid to the title of lands within it. On the weſt ſide of the village was the town of Wells, held by a deed given to parſon Wheelwright, by Gorges, and bounded on Kenebunk River, then called Cape Porpoiſe River, ſo that Arundle was limited on each ſide, and on the northerly part is not more than two miles wide.

The patent of Sir Alexander, extended from Cape Porpoiſe, eaſtward to Caſco Bay; and a great number of grants were made by his agent George Cleaves.

In 1648, a deed was made to Morgan Howell of one hundred acres, at Cape Porpoiſe, and ſixty acres on Eaſtern River. In 1661, he conveyed to John Buſh four hundred acres, to Gregory Jeffrey two hundred acres in Cape Porpoiſe near the ſea, and without the boundaries of Saco patent. To Richard Moore four hundred acres. Theſe lands are all deſcribed in the deeds, as being within the village of Cape Porpoiſe, and in the Province of Lygonia. Upon theſe grants an annual quit rent of ten ſhillings for each hundred acres was reſerved to "Colonel Alexander Rigby, Eſq. preſident of the Province of Lygonia."

There

There muſt have been grants of an earlier date than thoſe mentioned, but if any were made they were never recorded; nor was the patent of Rigby ever recorded in this country. The patent was made in 1629, and there were ſettlements at Cape Porpoiſe as early as 1632; for in Winthrop's Journal, page 42, we have an account, that in that year, one Jenkins went from Dorcheſter to that place, and travelled up into the country, with goods to trade with the natives, that he was in a wigwam with one of Paſſconomy's men, and was killed while he was aſleep.

The plantation of Cape Porpoiſe, being ſhielded by Wells and Saco, and on a neck of land ſtretching into the ſea, did not ſuffer much at an early day by the hand of the Savages. In what was called the three years war, beginning in the year 1723, ſome perſons were killed there. One Smith, and one Baily, were among them; the former was killed on Vaughan's Iſland, and the other at a place near where the old meeting houſe ſtood, on the ſea ſhore. Afterwards, in the year 1726, two families were aſſaulted at a place on Kenebunk River, one mile below where the poſt road now goes; a Mrs. Baxter, and her child, were killed, and ſeveral perſons were carried away to Canada. One John Durrell, who is now alive in that town, was one of the captives. The Savages took a bible of Baxter's, and carried it about half a mile, where it lay all winter, and is now in the town* of Arundle in good order.

We have no early records of the ſettlement of miniſters in Cape Porpoiſe. It appears by Saco records, that the Rev. Mr. Eveleth preached at Arundle, and at Saco, alternately, in the year 1723.

The

* Rev. Mr. Meody's Letter.

The first gentleman who was ordained there, was the Rev. Thomas Prentiss. He was settled in the year 1730, and afterwards was removed to Charlestown, in 1738. The Rev. John Hovey, was settled at Cape Porpoise in 1741, and dismissed in 1768. The Rev. Silas Moody, who is now there, was ordained in the year 1771.

WELLS,

Called by the Indians Webhannet, took its original settlement from a religious controversy. In the year 1636, Mr. Wheelwright, a learned minister, and brother in law to the famous Mrs. Hutchinson, embraced her doctrines: and in January, 1637, preached an Antinomian sermon, for which he was called to an account by the general court at Boston, where he resided; and he refusing to make an acknowledgment of his error, was sentenced to be banished from the colony. In the present day, the public mind seems steadily fixed to a principle in government, that no man is to be persecuted or punished for his religious opinions or sentiments, however wrong or absurd the same may be, provided he does not disturb others in their religion: but that for those actions only, which are open breaches of the laws, are men to be called in question before the civil authority. While we felicitate ourselves upon this progress in the art of governmernt, we ought not rashly, or suddenly, to condemn the conduct of the rulers, who had the management of the infancy of the New England colonies: the light they had, was very well suited to the habits and feelings of the people over whom they were placed as rulers.

There

There was a peculiarity of thinking in that age, both in Europe and America, which we can hardly realize at this day. An enthuſiaſm raged over a great part of the world, which, in its conſequences, promoted the diſcovery and the ſettlement of new countries. Rulers and ruled were alike affected with it, while candour and charity were, as we are at this day ready to ſuppoſe, too generally excluded. In the preſent ſtate of our governments in America, and in the enlightened age in which we live, religious opinions, however ſtrongly they may be expeſſed, or however forcibly they may be urged, can do us no hurt; but it will by no means follow from thence, that no injury could ariſe from the reception of Antinomian principles, in the early day of the country. The number of people was then very ſmall, every one was in ſearch after, or inculcating ſome new tenet in religion; and if the greater part of the community, could have been brought to believe, that their future happineſs did in no way depend upon the morality of their conduct in this life, it might have endangered the well being of the colony.

Mr. Wheelwright being baniſhed from the colony of Maſſachuſetts, ſoon after the year 1636, with ſeveral people who adhered to him, began a plantation in New Hampſhire, which they called Exeter, and which has been ever ſince called by that name. There was a controverſy in the year 1639, between Wheelwright, Underhill, Larkam, and one Knolles, as they pretended, reſpecting matters of religion; but, it was in fact a contention for the chair of government over the new colony. Such was the rage of that day for religious diſputes, and ſo fond were the people to engage on the one ſide, and the other, that when parties wiſhed to

gain

gain numbers in political contentions, it was good management to give the controverſy a religious complexion. Underhill excelled Wheelwright, in practice upon the Antinomian plan, for he clearly ſhewed by his manner of life, that he did not depend upon the law, but upon faith alone for future happineſs; and he obtained the government.*

They made a very dutiful addreſs to Charles the firſt, and ſubmitted their colony to his royal pleaſure. This at once raiſed the jealouſy of Maſſachuſetts, who were oppoſed as much as they dared to be, to all claims of royal authority. That government took the opportunity, while the Exeter men were engaged in their quarrel, to paſs a reſolution extending their patent further northward, ſo as to take in Maſon's claim, and conſequently, the plantation of Exeter was included.

Wheelwright finding himſelf in danger of being again within a juriſdiction, from which he had been baniſhed for hereſy, thought it beſt to remove himſelf further eaſtward; and applied himſelf to the government of Gorges. In the year 1643, Thomas Gorges, deputy governour of the Province of Maine, made a deed to John Wheelwright, paſtor of the church in Exeter, of a tract of land in Wells, in the county of Sommerſett, bounded northeaſt of Ogunquit River. This town was firſt applied for, by Mr. Hutchinſon, as appears on the firſt book of the town records. This, no doubt, was Edward Hutchinſon, the huſband of Ann: he was baniſhed from the Maſſachuſetts, in the year 1641, and afterwards ſettled in Rhode Iſland, where he died in 1642. Wheelwright was of the ſame

* Winthrop's Journal, 158.

ſame ſentiments, as has before been obſerved. The deeds to Wheelwright, and his aſſociates, are in the Appendix, No. II. and III.

Mr. Storer, and Mr. Littlefield, followed Mr. Wheelwright to Wells, and their poſterity, in the fourth degree, are there at this day. The deſcendants of Mr. Wheelwright, are found both in Boſton and in Wells.

The power of Maſſachuſetts ſeemed to extend itſelf againſt Gorges' government with ſo much ſucceſs, that Wheelwright found himſelf obliged to ſubmit, and make his acknowledgment for his former hereſy. He went afterwards to England, and was noticed by Cromwell. When he returned he became miniſter of Saliſbury in the county of Eſſex. He died in the year 1680, and his will was proved in the Province of Maine in 1681, where it is recorded.

Wells was incorporated in the year 1653, by an order of Maſſachuſetts colony. As it was called by the ſame name, in the deed of Gorges to Wheelwright; and as it was a part of the county of Sommerſett, there can be no doubt that it was a corporation under the government of Gorges, though the charter cannot now be found.

The ancient bounds of the town, have been preſerved; it is bounded ſouthweſterly by York, from which it is divided at the ſea by Aguntiquitt River; ſoutheaſterly by the ſea; northeaſterly by Arundle, from which it is divided at the ſea ſhore, by Kenebunk River; and northweſterly by the new towns of Coxhall and Sandford. There is a ſmall part of the weſterly corner which joins upon Berwick. The land is not very good in Wells, but there is a great body of marſh which the people avail themſelves of. There

is

is a conſiderable trade, more eſpecially in the eaſt pariſh, on Mouſum River.

There are now two pariſhes there, in both of which miniſters are regularly ſettled, according to the Congregational mode.

After Mr. Wheelwright, there was no miniſter ſettled until the year 1701, when Mr. Samuel Emery was ordained. Mr. Samuel Jefferdſon ſucceeded Mr. Emery in the year 1725.

In the year 1750, the town was divided into two pariſhes, and in 1751, the Rev. Daniel Little was ordained in the ſecond pariſh, and has continued there to this time. Mr. Richardſon ſucceeded Mr. Jefferdſon in the year 1754, as miniſter of the firſt pariſh, and was ſucceeded by Dr. Hemmingway, in 1759.

When the town was divided in the year 1750, it contained only one thouſand inhabitants; it now contains three thouſand.

Wells has endured its full ſhare of ſuffering, in the conflict with the Savages. In September 1675, Mr. Gouge, was ſhot from his horſe as he was going home from public worſhip, and his wife, who was on the ſame horſe, was mortally wounded with hatchets. Soon after their unfortunate death, George Farrow, fell by the enemy. The ſame month, the Indians made an attack on Iſaac Littlefield, who refuſing to yield himſelf a captive, was ſhot, and died inſtantly on the place where he fell.

Several others ſuffered in the wars, which continued with few, and ſhort intermiſſions, until a truce in 1688. In the mean time, the inhabitants, by aid of the government of Maſſachuſetts, fortified themſelves with ſeveral garriſons; the principal of which, was at the

houſe of Mr. Storer, one of the firſt ſettlers. That fort was near where the old meeting houſe ſtood, and nearly half a mile ſouth of the preſent place of public worſhip; and was ſtanding ſince the year 1760. An army of French and Indians attacked that garriſon, where all the people of the town had fled for ſafety, in the year 1692. The French were commanded by one Labrocee, and the Savages by Madockawando, the ſachem of Penobſcott. They were repulſed, but ſet on fire ſome veſſels, which were in the harbour, by means of fire arrows, but the fire was extinguiſhed, and the ſhot from the fort cauſed them to go off. The women courageouſly gave aid to the men, both by ſerving them with ammunition, and by diſcharging muſkets at the Indians. The ſiege, or rather aſſault, continued forty eight hours, in which Labrocee, and ſeveral of his people fell. There was no injury done to the garriſon: but one John Diamond, who was paſſing from the veſſels to the fort, was killed, and great deſtruction was made among the cattle.* In the year 1696, the wife and children of Thomas Wells, were killed, and a Mr. Sayer, and his family, and two other men who were going to Wells, from Kittery, with the news of major Froſt's being killed, were ambuſhed and ſlain. In the year 1712, divers aſſaults were made upon the town, and ſeveral perſons killed, and others taken. Among the captives, was one Mr. Plaiſted, who went from Portſmouth to be married to Captain Wheelwright's daughter. The next day after the wedding the company wanted their horſes from the paſtures, but as there were ſtrong apprehenſions of danger from the Indians, the ſervants and the other people were afraid to

* Hutchinſon.

to venture out of the garriſon; Mr. Plaiſted, to exhibit his proweſs, ventured with ſome of his company, fell into an ambuſh of the enemy, and was made a priſoner; the Indians knew their advantage too well to kill ſo valuable a priſoner, and therefore offered him for, and obtained, a ranſom of three hundred pounds.* That year, the treaty of Utrecht influenced the natives to propoſe a peace.

In the three years war, which commenced in 1723, ſeveral perſons were killed in the town. In the war which began in 1744, Wells had become an inland town, and the incurſions made by the government's forces on the Oſſippee and Pickwocket tribes, had diſperſed the Savages to the frontiers of the French ſettlements. The expeditions which diſperſed thoſe tribes will be mentioned in another place.

YORK.

Sir Ferdinando Gorges, was a very ambitious, and a very unfortunate man in his enterprizes. He wiſhed to accumulate a fortune, and to achieve a character. To perpetuate his reputation as lord proprietor, he gave the plantation of York the name of Gorgiana. The earlieſt grant of lands in York, is by a deed from Sir Ferdinando Gorges, to his nephew Thomas Gorges, of five thouſand acres of land on the river Orgarnug, and the lands of Agimintius. This deed was in the ſeventeenth year of the reign of Charles I. and ſezin and poſſeſſion was given in 1642.†

In 1641, Sir Ferdinando granted a charter of incorporation, as a city, to the plantation, compoſed of a may-

or

* Hutchinſon. † County Records.

or and eight aldermen. Thomas Gorges was the firſt and laſt mayor of the city.* No great obedience was paid to his authority, but the people governed themſelves by aſſociations, which we ſhall mention hereafter.

It is very probable that the records of the city proceedings were carried away upon the revolution which took place in the Province of Maine, in the year 1653; for no records of a date earlier than that, of either town or city proceedings, are to be found. From the year 1642, to 1653, the grant of lands in York, by the agents of Sir Ferdinando, were very frequent.

York is bounded ſoutheaſterly by the ſea, northeaſterly by Wells, northweſterly by Berwick, and ſouthweſterly by Kittery. There are no conſiderable rivers in it; and the land is exceedingly good.

We do not find that they had ever a preacher there under the government of Gorges. In the year 1660, one Burdet, who had been expelled from Exeter, for miſdemeanors, became a preacher to thoſe who choſe to attend upon him; but he was puniſhed for lewdneſs by the civil authority, and ſoon ceaſed to be a public teacher.

In the year 1675, Mr. Shubael Dummer was regularly ſettled in the miniſtry there, and was killed by the Indians in the year 1692. He lived near the ſea ſide, at a neck of land near what is called the Roaring Rock; as he was attempting to eſcape from the Savages, he was ſhot through the back, and fell dead on his face. A great part of the town was deſtroyed, on the ſame day. The inhabitants, upon this calamity, were about to abandon the place, but taking courage, and finding a ſupport from the government, they continued their poſſeſſion; and in the year 1700, ſettled

* Hutchinſon.

ſettled the Rev. Samuel Moody as miniſter. He continued until the year 1747, when he died, reſpected by the country, and beloved by the people. He had many ſingularities in his conduct, which may ſerve as curious anecdotes in the preſent day, but he was a pious and uſeful man, as a goſpel miniſter. After his death, in the year 1749, the preſent miniſter, the Rev. Mr. Lyman, was ordained.

There are two pariſhes in York. In the ſecond, the Rev. Joſeph Moody, ſon to the reverend gentleman before mentioned, was the firſt miniſter. His immediate ſucceſſor, the Rev. Mr. Lancton, is miniſter there at this day.† A ſon of Mr. Joſeph Moody has lately been the preceptor of Dummer Academy, at Newbury, and now lives with others of the family in York. The ſecond pariſh in York is generally called, Scotland pariſh. In the time of the civil war between Charles and the parliament, Cromwell gained a victory over the troops which had aſſembled under the royal ſtandard in the north of England, and not knowing how to diſpoſe better of his priſoners, he baniſhed them from the realm of England, and ſent them to America. Among them were the McIntires, the Tuckers, the Maxwells, &c. thoſe came to Gorges' government, becauſe he was a royaliſt, and ſettled in what is now the ſecond pariſh in York, from which circumſtance the place was called Scotland.*

In governour Winthrop's Journal, page 206, there is a circumſtance reſpecting the firſt ſettlement and government of York, which it will be well to tranſcribe into this hiſtory. "This ſummer, (1640,) here arrived

* Judge Sayward's Narration. † Mr. Lancton has died ſince this hiſtory has been in the preſs.

ed one Mr. Thomas Gorges, a young gentleman of the inns of court, a kinſman to Sir Ferdinando Gorges, and ſent by him with a commiſſion for the government of the province of Summerſetſhire. He was ſober, and well diſpoſed; he ſtayed a few days at Boſton, and was very careful to take advice of our magiſtrates, how to manage his affairs, &c. When he came to Accomenticus he found all out of order; for Mr. Burdet ruled all, and had let looſe the reins of liberty to his luſts—that he grew very notorious for his adultery; and the neighbours finding Mr. Gorges well inclined to reform things, they complained of him, and produced ſuch foul matters againſt him, as he was laid hold on, and bound to appear at the court at Saco; but he dealt ſo with ſome others of the commiſſioners, that when the court came, Mr. Vines, and two more ſtood for him; but Mr. Gorges having the greater part on his ſide, and the jury finding him guilty of adultery, and other crimes, with much labour and difficulty, he was fined under thirty pounds; he appealed to England, but Mr. Gorges would not admit his appeal, but ſeized ſome of his cattle, &c. Upon this Mr. Burdet went into England, but when he came there, he found the ſtate of things ſo changed, as his hopes were fruſtrated, and he, after taking part with the cavaliers, was committed to priſon."

After the revolution of the Province of Maine, in 1653, the town was incorporated by Maſſachuſetts, by its preſent name, and bounds; and has now two thouſand nine hundred inhabitants. There are only two places of public worſhip, and there is neither Quaker, Baptiſt, or Epiſcopalian in the town.

The town of York has ſuffered greatly from the depredations of the Savages. The Indians from the weſtern

weſtern part of Maſſachuſetts and New Hampſhire, uſed to meet the Pickwocket and Oſſippee Indians on the river Newichawanick, and to render their combined force terrible to the towns, on and near that river. In the year 1676, they aſſaulted the ſettlement of Cape Neddick, in York, where they killed and carried away all the inhabitants, amounting to about forty perſons. There were ſome cruelties practiſed upon the people, which had not at that time been uſual among the northern Savages, and which are too ſhocking to be mentioned.*

In January 1692, the town was intirely deſtroyed, fifty of the people were killed, and one hundred carried into captivity. There were four houſes which had been garriſoned, and which held out for ſome time. In the year 1712, there were people killed within the town.

There was not much injury done in that town in the three years war. The ſea defended it on one ſide, Wells on another, Kittery on the third, and Berwick by that time had become a very conſiderable plantation, with ſeveral forts, and fortified houſes, extending itſelf above York towards the wilderneſs. But a houſe ſtood where the parſonage houſe now is, in the firſt pariſh in York, which had a picketed fort, and baſtions round it, in the year 1740; and the people uſed to attend public worſhip with their arms in their hands in the year 1746.

KITTERY.

KITTERY lies on the eaſt bank of Piſcataqua River, and extending from thence to York, is bounded ſouth-eaſterly on the ſea, and northweſterly on Berwick. It contains three pariſhes, and has one Quaker meeting houſe in it, which together with one in Berwick and another

* Hutchinſon.

another in Falmouth, is all the places of public worſhip which that denomination of churches have in the Diſtrict of Maine. This town was incorporated by the Maſſachuſetts in the year 1653, and now has three thouſand three hundred inhabitants.

The firſt pariſh is on the ſea wall where the late Dr. Stevens was miniſter. Mr. Newmarſh was the firſt ſettled miniſter there. The ſecond pariſh was at Sturgeon Creek, where Mr. Rogers was miniſter, who was ſucceeded by Mr. Spring, who was lately ſucceeded by Mr. Chandler. The third pariſh has Mr. Litchfield for its miniſter.

There were ſettlements here at a very early date. The river was diſcovered by Captain Smith, in 1614, and from his account publiſhed when he returned to England, ſome people were induced to become adventurers. Many however were deterred by the reſentment ſhewn by the Indians, on account of ſome of their people being carried away by Captain Hunt, who commanded one of the veſſels in Smith's ſquadron. Dr. Belknap, in his hiſtory, ſays that the ſettlers followed the example of the people in Plymouth, by purchaſing lands of the natives; but there is no record of any deed from an Indian, of lands within the town of Kittery, nor of any in the towns nigh it, of an earlier date than the year 1640. But all the lands in Kittery were granted in the year 1632, and from that time to 1635, by Walter Neal, who was an agent, both to Gorges and Maſon.* When the Maſſachuſetts colony claimed, and aſſumed, the juriſdiction of that part of New England in 1653, the property of the lands in Kittery was confirmed to the original grantees. When I ſpeak of the

* York Records.

the lands in Kittery, I mean only the lands which are now within the town. The town of Berwick was once a part of Kittery; and there were ſeveral purchaſes from the Indians within what is now Berwick, before the year 1653. By the town records it appears, that in the year 1651, the inhabitants approved of an Indian purchaſe made by one Spencer of Quampeagan, which is now in Berwick. In the year 1673, what is now Berwick was a pariſh in Kittery, and called the pariſh of Unity.*

There are no records in Kittery, prior to the year 1648; but it evidently appears by the records which are now extant, that there was another book, which the firſt book now in being has reference to. If there had been any land conveyances from the Indians, the deeds would have been preſerved in the county records. There was a lot of fifty acres, laid out in the year 1699, by the town of Kittery, in the pariſh of Unity, on the north ſide of the road, leading to Wells, for the miniſter; but it is not known now where the lot was.‡

The town, before the year 1653, was called by the name of Piſcataqua.†

The plantations on Piſcataqua River, ſuffered much more from the hoſtile attacks of the natives than York, Wells, or Cape Porpoiſe did. The river aſſiſted the labours of the Savages in their marches, furniſhed them with ſubſiſtence, and guided their rout to the place of deſtination.

There were originally, ſeveral numerous tribes in the neighbourhood of that river, and they were not far removed from the ſea ſide, when they united with the ſouthern Indians againſt the white people.

On

* Kittery Records. ‡ Kittery Records. † York County Records.

On the ſea ſhore in Kittery, the people who carried on the fiſhery, eſtabliſhed their habitations; but thoſe who depended on agriculture went further up on the Piſcataqua, and ſettled on Sturgeon Creek, where the land was very good, and an advantage was derived from the ſalt marſhes. On the head of the creek, and on the road now leading from Berwick to the ſea, was the habitation of major Froſt, who was then the leader of the plantation: his houſe has been ſeen, rather in ruins, by the Author, within forty years paſt.

In the year 1675, the Savages, after committing depredations on the people in Berwick, or what was then called the pariſh of Unity, came down the river and burnt one houſe, and killed two men near Froſt's dwelling houſe; and he himſelf eſcaped, though there were ſeveral guns diſcharged at him. He ſaved his houſe after he had eſcaped to it, by giving the word of command, as if he had a ſufficient number of men in it to make an effectual defence. Hubbard gives this account in his narrative; and there have been perſons living in Kittery, within ſixty years paſt, who remembered the fact, and uſed to repeat it with pleaſure: but Froſt was afterwards killed by the Savages, in 1697.

The Indians went down the river, in the year 1676, and burned a houſe over againſt Portſmouth, near where the ferry ways now are. The people of Portſmouth diſcharged a cannon from Church Hill acroſs the river, which affrighted the Savages, ſo that they drew off: and, being purſued, left a great part of their plunder.*

The diſcharge of the cannon from Portſmouth, terrified the Indians ſo much, that though the upper part of the

* Hubbard's Narrative.

the town of Kittery, and what is now called Berwick, were nearly deſtroyed, within the year 1676, they did not come down the river, oppoſite to Portſmouth again. Nor is there any account preſerved in hiſtory of a further aſſault until the year 1712, when ſeveral people were killed, and ſome carried away.* The particulars of that tranſaction have not been preſerved, but the ſtory has been repeated within forty years now laſt paſt, by thoſe who were inhabitants of the town when the aſſault was made.

The treaty of Utrecht took place in 1712, and gave an interval of peace until the year 1723. At this period the town of Kittery had become an inland town; Dover, Newington, and Portſmouth ſhielded it on the weſt and ſouth. Sommerſworth and Berwick, were on the north, and York on the eaſt: by means of which the inhabitants, though they partook of the general calamity incident to a war, and had many alarms, and conſidered their habitations as being in jeopardy, yet there were no lives loſt.

As late as the war which began in 1744, the people had garriſons, and carried their arms to public worſhip. On the ſouth bank of a brook, which divides Kittery from Berwick, on the main county road up the river, was a fort ſtanding ſince the year 1750, called Shorey's Garriſon: and within one mile ſouth of that, on the ſame road, the garriſon of John Neal, was as lately ſeen. Two miles further down towards Sturgeon Creek, was Heard's Garriſon.

BERWICK,

Was anciently, a part of Kittery; the two towns were called the plantations of Piſcataquat and Newichawanick.

* Hutchinſon. † York Records, Book firſt.

Newichawanick. The firſt ſettlers on Sturgeon Creek, began the plantation where Berwick now is. Thoſe were the Froſts, Heards, Shapleighs, and Chadbournes. The anceſtor of the Chadbournes came over on the invitation of Gorges and Maſon, and under them erected a famous houſe, at Little Harbour in Portſmouth. In the year 1643, he purchaſed a tract of land of an Indian called Mr. Knowles, ſometimes called Mr. Knolles, being a neck between the Baſon, in Newickawanick River, at Quampeagan, and the Great Works River. The other early ſettlers were Spencer, Broughton, Leden, and Wincall. Broughton had lands purchaſed of the Indians, and confirmed by the town of Kittery, in the year 1643, ſituated above Spencer's, and between that and Salmon Falls. Wincall and Broughton, had a grant of the lands on Salmon Falls, from the town of Kittery, upon condition of their erecting a ſaw mill there.* It is imagined, and may poſſibly appear from ancient conveyances, that the brook called Salmon Falls Brook, was the line of diviſion between Broughton and Wincall. Above thoſe tracts, the lands are held under proprietary grants, all of which have been made ſince the plantation, in the year 1673, was incorporated by the name of the Pariſh of Unity.

The firſt miniſter ſettled in Berwick, was John Wade, who was ordained in 1702, and died in 1703. Jeremiah Wiſe was ordained in 1707, and died paſtor of the church there in 1756. He was a man of eminent piety and goodneſs. The learning in which he made great proficiency, was of a kind ſuited to the age in which he lived, and like that of the Mathers, and other great men, partook more of the ſcholaſtic modes, than

* York Records.

than of the belle letters, or of philoſophy. Soon after the death of Mr. Wiſe, the Rev. Jacob Foſter was ordained, and in 1777 was diſmiſſed, at his own requeſt, and the Rev. John Tompſon, the preſent miniſter, ſucceeded him.

In the year 1751, the town was divided into two pariſhes. In the ſecond, John Morſe, a valuable, and pious young man was ſettled, but died in early life. His ſucceſſor was the Rev. Mr. Meriam, who is the miniſter there at this day.

There are two ſmall Baptiſt, and one Quaker ſociety in the town. There are no other religious perſuaſion, or denomination of chriſtians, excepting what have been mentioned.

The inhabitants of the town of Berwick, have been very careful in ſupporting grammar, and other ſchools. The Rev. James Pike, who was the firſt miniſter of the town of Sommerſworth in New Hampſhire, and who died ſince the year 1790, aged ninety two years, was the firſt grammar ſchoolmaſter of Berwick. There is an Academy lately eſtabliſhed in the town.

The towns of Kittery and Berwick, while conſidered as one town, had no particular bounds, or deſcription as to the extent of the territory up the river, until the year 1711, when the general court ordered the town to be laid out. The town of Berwick was made a ſeparate corporation in the year 1713; and there appears to be a report made in the year 1720, which extended the town eight miles above Quampeagan to a fall in the river, called Stair Falls, and to run from the river northeaſt, and by eaſt, eight miles, to Bonnebeag Point, then ſoutheaſt to a pine tree, at Baker's Spring, and a rock, being the bounds between York and Kittery.

tery.* This extent of eight miles up the river, was according to the ancient grant to Wincall and Broughton; but the town lines are not eſtabliſhed by a poſſeſſion on theſe boundaries.

There was, as early as the year 1699, a miniſterial lot, laid out by the town of Kittery, on the north ſide of the road leading to Wells.†

The inhabitants of Berwick, the principal of whom were the Chadbournes, the Lords, Goodwins, Geriſhes, Keys, Smiths, Spencers, Shoreys, Prays, Plaiſteds, Hills, Abbots, Smiths, &c. claimed a part of the proprietary lands with Kittery, and a line of diviſion was eſtabliſhed, by which the Berwick people had the lands comprehended within three miles of the river, and the Kittery proprietors took the reſidue.

The ſettlements at Berwick were ſeveral times deſtroyed by the Savages, and the preſent ſettlement may be conſidered as one recently made. Seventy years ago there were no houſes between Quampeagan, and Canada.‡ This delay, or rather interruption of ſettlement, was occaſioned by the attacks and depredations of the Savages, which ſhall be attended to.

Berwick being contiguous to New Hampſhire, the calamities which the people ſuffered by the hoſtilities of the natives, have been related in Dr. Belknap's elegant hiſtory of that ſtate; one or two circumſtances are omitted in that work, and agreeably to the plan propoſed for this hiſtory, it will be proper to give a general account of the wars in which the people have been engaged.

In

* Kittery and York Maſſachuſetts Records, Vol. II. † Kittery Rec.

‡ Hon. Judge Chadbourne's Manuſcript, written in 1793, wherein he ſays, "I am now ſeventy five years old, and ſince I can remember, there was no houſe between mine and Canada."

In October, 1675, Hopegood, with a party, aſſaulted the houſe of John Tozier. That houſe ſtood about half a mile above the mills on Salmon Falls. Tozier was one of Broughton and Wincal's party. There were fifteen perſons in the houſe, who were all ſaved by the courage of a girl of eighteen years old, who alarmed the people, and barred the doors. This retarded the attack, until the reſt of the people had ſecured themſelves in another houſe. When the Savages had hewed down the door, they wounded and left the girl dead, as they ſuppoſed, but ſhe ſurvived and lived a great number of years afterwards. The next day they attacked the ſettlement again, but upon the people's coming out of the garriſon, they fled to the wilderneſs, having previouſly burned the houſe of Captain Wincal, which ſtood near where the upper mills now are. The cellar perhaps remains; it has been ſeen within forty years laſt. On the ſeventh, a man was ſhot, as he was paſſing on horſeback from one garriſon to another; and two young men were killed within one mile of the garriſon, on the ſame day. On the 16th, one hundred Indians attacked the plantation. They killed Tozier, and took his ſon a captive. Upon hearing the guns, Captain Plaiſted ſent out a ſmall party, two of whom were killed. Immediately upon this, Plaiſted ſent an expreſs to major Waldron of Cochecho, informing him that Richard Tozier, James Barrey, Iſaac Bottes and Tozier's ſon had been killed, and requeſting help. This letter was ſigned by Roger Plaiſted and George Broughton.

Plaiſted, wiſhing to bring off the bodies of thoſe who had been killed, yoked a pair of oxen, and took a cart for that purpoſe. They recovered Tozier's body, and

while they were attempting to get the others, they were attacked by one hundred and fifty Savages. The ſmall party made a deſperate defence, and killed many of the Savages; and Plaiſted, denying to ſurrender himſelf as a captive, which the Indians repeatedly urged him to do, he fell in the action; his eldeſt ſon was alſo killed, and another of his ſons badly wounded.

There is a tombſtone, near the road in Berwick, on the land which was Plaiſted's, and near where this battle was fought, upon which there is the following inſcription, "Here lies interred, the body of Samuel Plaiſted, Eſq. who departed this life, March 20th, 1731, Æ. 36. Near this place lies buried the body of Roger Plaiſted, who was killed by the Indians, Oct. 16, 1675, Æ. 48 years; alſo the body of his ſon, Mr. Roger Plaiſted, who was killed at the ſame time." His father was Ichabod, the grandſon of lieutenant Roger Plaiſted, who lived at Salmon Falls; the widow of Capt. Plaiſted married one Brown of Salem; after Brown's death, ſhe returned to Berwick, and lived in what was called the great houſe, which after her death, was burned by accident in 1738.

The Indians attacked Saco, Wells and other towns on the ſea coaſt, which urged Captain Wincal to go to their relief, but he was attacked and loſt ſeveral of his men.

In the year 1690 a party under the command of one Hertel, a Frenchman, and Hopegood, a ſachem, aſſaulted the plantation of Newichawanick; they killed thirty men, and the reſt of the people, after an obſtinate and courageous defence, ſurrendered at diſcretion. The captives were fifty four, the greater part of whom were

women

women and children. The enemy burned all the houſes, and mills, and taking with them what plunder they could carry, retreated to the northward. A party of one hundred and forty men collected from the neighbouring towns, purſued and came up with the Savages on Worſter's River, at a narrow bridge. Hertel had expected a purſuit, and had placed his people in a poſture of defence. The engagement was warm, and continued the whole of an afternoon; but as the men on both ſides were ſhielded by the trees and bruſh, there was no great ſlaughter; four or five of the Engliſh, and two of the Savages were killed, a Frenchman was wounded and taken priſoner.*

There were ſome great cruelties exerciſed on ſome of the captives taken by the Savages. Theſe are ſtrongly deſcribed in Mather's Magnalia; and were the truth of the facts evinced beyond a doubt, there would be no neceſſity for repeating the diſagreeable tale in this place. The weak and infirm died by cruelty or neglect, and the more robuſt and hearty were ſold in Canada as ſlaves.

There was, before this time, no bounty bid by the French, on the ſcalps of the Engliſh; when that practice was introduced, it cauſed a great encreaſe of cruelty in the ſavage wars. The idea of ſelling a captive as a ſlave, might induce the Indians to ſave the lives of all thoſe who would ſurrender; but when the capture or death of an enemy, became equally lucrative, and the latter more ſure and leſs troubleſome than the former, the Indians choſe to ſlay all who were unfortunate enough to fall within their power. This vile practice was ſet on foot by the prieſts, under the ſanction of chriſtianity,

* Belknap's Hiſtory, Vol. II.

chriſtianity, and upon the foundation, that hereticks ought not to be ſuffered to live.

The war which began in 1709, was more favourable to the plantation of Newichawanick, than the former had been; but the three years war, gave the people there much more trouble than they had ever met with after the year 1690. One Thompſon was killed in April, 1724, and his ſon carried away. Thompſon lived on the road which leads from Quampeagan to Wells, at Love's Brook. One Stone, a boy, was mangled, and ſcalped, near where Thompſon fell, by the ſame party, but he ſurvived it, and lived to be an old man. His life was miſerable, he wore a ſilver caul on his head, went on crutches, had the uſe of only one hand, and was ſubject to ſtrong convulſion fits.*

In the year 1754, the Savages had parties infeſting the frontiers, for the ſake of obtaining the bounties which the French government offered for ſcalps. A daughter of Peter Morrill, a Quaker, on the northeaſt ſide of Berwick, went out on a Sunday morning into the woods, near her father's houſe, to gather hemlock bows for a broom; the Savages ſhot her, and carried away her head, not having time to take off her ſcalp.

The practice for an alarm, as agreed upon and underſtood, was, to fire three muſkets in ſucceſſion, with ſhort intervals between them. This alarm was given on the killing of Morrill's daughter, and the people in the upper part of the town removed to garriſon houſes. From that time until the year 1759, the inhabitants carried their fire arms to the houſes of public worſhip.

There

* The Author knew him perſonally.

There may be an amuſement to thoſe who ſhall ſucceed the preſent generation, in that town, in reading the account of the places where the garriſons were erected. There was a fort and block houſe, a mile from Quampeagan landing, on the weſt ſide of what is called Salmon Fall Brook. One William Geriſh owned the place and lived there. The Author of this hiſtory, remembers being at garriſon in that place. Another block houſe was one mile further up, called Key's garriſon, which has been ſtanding within a few years. Further up, and near that, were Wentworth's and Goodwin's block houſes. Indeed all the houſes which were built there, between the year 1690, and 1745, were of hewed logs, ſufficient to oppoſe the force of ſmall arms. One fort was at Pine Hill, called Hamilton's garriſon, which was ſtanding in 1750. There was a picketed fort, made of pales ſet in the ground, about twenty feet high, and ſharpened at the upper end, on the height of land at Pine Hill, which ſtood there as lately as the year 1760. There was no dwelling houſe in that fort, but it was intended that the people ſhould aſſemble there on an alarm, and continue to defend themſelves, until aid ſhould arrive from the people further down the river.

The Hon. Mr. Chadbourne, who is now alive, ſays, that he remembers ſeveral Indians, who uſed to come down in the ſummer, and reſide on Chadbourne's River. Theſe were ſaid to be of the Oſſippee Tribe. This was in the long interval between the three years war which ended in 1727, and that which commenced in 1744.

When the war in 1752 was commenced, there came in from St. Francois, to Berwick, an Indian, named

Amberuſe, with his wife; he ſaid that he hated war, and only wanted a place where he could make his brooms, and his baſkets, and live in peace; he was indulged with a place on the bank of Worſter's River, a few rods ſouth of the road, where he remained peaceable for ſeveral years, and finally removed to the river Kenebeck.

The poſterity of the firſt ſettlers remain in Berwick at the preſent day. Judge Chadbourne, is the great grandſon of Humphrey Chadbourne, who came over in 1636, and purchaſed land of the ſachem Knowles, in 1643. Captain Samuel Lord's wife, was the grand daughter of Tozier, who was killed in 1675. She died ſince the year 1758, and has left a numerous poſterity.

There are facts attending the hiſtory of the Indian wars in the Diſtrict, which have no neceſſary connexion with the hiſtory of any particular town; and it may be very proper to take ſome notice of theſe in this place.

When the Engliſh landed in this country, they found the Savages on the margin of the tide, where they reſided in the ſummer, and from whence they removed to the interior part of the wilderneſs, in the winter. The uſe of fire was but little known, and to that of iron they were perfect ſtrangers. There can be no doubt, but that the uſe of gunpowder, of iron, and of fire arms, made them believe, that their viſitors were an higher order of beings than themſelves, or as the poet has it; that they were,

"The Gods that thunder from on high."

They would make no pretenſions of oppoſing theſe inſtruments of war and death, with their bows and arrows.

rows. It muſt have been very curious and amuſing, to have ſeen a Savage obſerve the effect which the diſcharge of a muſket had on the animal, on which it was diſcharged. The Engliſh made it a point, to prevent the natives from learning the uſe of fire arms. The dread of thoſe engines of death, kept the Savages in fear, from the firſt ſettlement of the country until the year 1675. The French had an early conteſt with the Engliſh, reſpecting the right to the country by priority of diſcovery and poſſeſſion; but they were affraid to truſt the Savages with arms, leſt they ſhould turn the force againſt the donors. The court of France always made it a point, to gain an excluſive poſſeſſion of the country, and when that nation, through the addreſs of their miſſionaries, who were generally prieſts, had gained an aſcendency over the natives, they found it for their intereſt to teach the Savages the uſe of the muſket. There can be no doubt but the Count Caſtine, was ſent by the French court, for this purpoſe, and that he had arms and ammunition committed to his care, for the uſe of the Indians. In the year 1675, the Savages were as expert in the uſe of the muſket as the white people.

The white people, by that time, had poſſeſſed themſelves of all the ſea coaſt, and the Savages were convinced that thoſe people muſt be expelled, or that they themſelves muſt be extirpated.

There ſeems to be a jealouſy of that kind, which they had long embraced, and which inſpired all the tribes excepting the Mohawks, and a few others, from the Hudſon, to the bay of Chaleurs. This jealouſy was exceedingly irritated, by their obſerving the encreaſing number of fortreſſes, erected by the Engliſh. The Sav-

ages had their communications by runners, from one part of New England to the other, and previous to the breaking out of the wars, in the early day of the country, thoſe runners from the weſt and ſouth, were ſeen among the eaſtern tribes.* Notice of a meſſage of this kind alarmed Phillips and Benython of Saco, and ſaved that plantation. When the Indians of Virginia began a war with the white people there, the Savages, on the eaſt of Piſcataqua, appeared to be infected with a hoſtile diſpoſition. The ſettlers on the river Kenebeck expreſſed their jealouſy, and ſome few arms, and a ſmall quantity of ammunition, were brought in, and depoſited with Captain Lake, Mr. Sawyer, and Mr. Paterſtall, in July 1675; but thoſe appearances of a peaceable diſpoſition, on the part of the Savages, were deceitful; for they were plentifully ſupplied by Caſtine of Penobſcott, with the impliments of war, and concealed the ſame, with an intention to deceive and ſurprize the white people. At Amariſcoggin ſome Indians brought in their arms, but it afterwards appeared that they were very inſincere, in thoſe overtures of peace. They were under no obligation to be faithful in yielding obedience to a requeſt which the others had no juſt authority to make, and they were, no doubt, irritated by a demand ſo derogatory to the rights of a free people, and could not do otherwiſe than to ſhew a reſentment to the treatment. The next day after the arms were given up by the Amariſcoggin Indians, one Robinhood, the then ſachem of Kenebeck, made a great dance, after which, the Indians appeared ſhy; and ſoon after commenced hoſtilities, in manner before related.

The

* Hubbard and Church.

The Savages who had made war, were of the Pickwocket, the Norridgewocks, and the Oſſippee tribes. In 1676, the government of Maſſachuſetts formed an expedition againſt theſe tribes, under the command of general Denniſon. The ſeverity of the weather prevented the plans being executed; but the ſame ſeverity of the ſeaſon, obliged the Savages to ſue for peace, which was obtained;* but there were ſome other circumſtances which urged the natives to ſue for peace. Captain Hawthorne, captain Fill, and captain Hunting, with one hundred and thirty men, beſides forty friendly Indians, were ſent to join major Waldron, and major Froſt, with ſuch forces as they could raiſe in New Hampſhire and in the Diſtrict, to march into the country of thoſe tribes. Though theſe forces did not do much againſt the enemy, yet the idea of ſuch force being raiſed, filled the Savages with terror.

On the ſixth of November 1676, one Mugg, appeared as the ambaſſador of Madockawando and Cheberrina, ſachems of Penobſcott, and chief ſagamores of all the Indians about Pemaquid, and made a treaty with the Maſſachuſetts government. As the treaty relates to the country under conſideration, it will be proper to preſerve a copy of it in this hiſtory. It therefore has a place in the Appendix.

This treaty was ratified by the ſachems, and many priſoners, and captives, returned to the embraces of their anxious friends.

In the year 1685, when Cranfield was governour in New Hampſhire, he terrified the Indians at Pennicook, Pickwocket, and Oſſippee, by threatening to bring the Mohawks

* Belknap.

Mohawks upon them. This induced them to come into a treaty with the people of New Hampſhire and Maine, which laſted until the year 1688. In this treaty, it was agreed, that the Pennicook and Saco Indians ſhould have redreſs for any injury done to them, that they ſhould have notice of the approach of an enemy; but if they ſhould remove their families away, it ſhould be deemed a declaration of war on their part. It was alſo agreed, that the Engliſh ſhould protect them from the Mohawks, while that treaty was complied with, and fulfilled on the part of the natives.

By the treaty of Breda, the territory from Penobſcott to Nova Scotia, was ceded to the French, and Caſtine reſided there, as an influential ſachem, with a number of wives, which he had ſelected from among the natives. The grant which had been made to the duke of York, who was at the time of the above mentioned treaty, called James the ſecond, comprehended all the lands between Kenebeck and St. Croix. Upon a diſpute ariſing reſpecting the landing of a cargo of wine, which the owners ſuppoſed to be landed within the French government, a new line was run, which took Caſtine's ſeat into the duke's patent, in the ſpring 1688.

This gave a pretext to the commander of the Roſe frigate to plunder Caſtine's houſe of all his goods and implements of war. The French ſachem, provoked by this inſult, inſpired the Savages with a diſpoſition to hoſtilities. When a people are involved in a war, they always magnify thoſe injuries which they before had been content to paſs over in ſilence. On this occaſion the Engliſh were charged by the natives, with having not paid a tribute of corn which had been ſtipulated

by

by major Moody, and others, in a treaty, of obſtructing the fiſh in Saco River with ſeines, and of ſuffering their cattle to eat the Indians' corn, and of granting lands without their conſent. Thoſe complaints were well founded, when applied to the white people as a part of the Britiſh nation. There was no poſſibility that the white people and natives ſhould live together in peace. Their manners, their views and intentions were widely different, and the juriſdiction of one country could never hold both as poſſeſſors of lands jointly together. The Engliſh charged the Savages with the moſt atrocious acts of cruelty and perfidy. The whole of this will appear by the record of the proceedings of the united Colonies which is given in the Appendix.

In Auguſt 1689, major Swaine, with a conſiderable force, marched into the Diſtrict of Maine, and was ſoon followed by major Church from Plymouth colony, who commanded a conſiderable force of white people, and friendly Indians. Theſe forces had ſome ſkirmiſhes with the natives, and erected ſome forts on the frontiers.

In the year 1694, the Sieur Villieu was in command at Penobſcott, and with the aid of Thury, the religious miſſionary, perſuaded the eaſtern ſachems to break their treaty with the Engliſh, and to prepare for hoſtilities. Things being prepared, Villieu, with two hundred and fifty Indians, from St. Johns, Norridgewock, and Penobſcott, marched againſt the people on Oyſter River, in New Hampſhire, which place they nearly deſtroyed. This party came from Penobſcott in their canoes.

In the year 1698, the treaty between the French and Engliſh, commonly called the treaty of Ryſwick, was concluded. The Indians were diſcouraged as to

ſupporting

ſupporting a war without the aid of the French, and finally came to a treaty at Caſco, in 1699, when they affected to lament their former perfidy, acknowledged themſelves ſubjects to the king of England, and promiſed to maintain a peace on ſuch terms as the commiſſioners ſhould dictate. This conceſſion was made, becauſe the French had withdrawn their ſupport from the Savages, and ceded to the Engliſh crown all the territory, as far eaſt as the river St. Croix.

The diſtreſſes occaſioned by theſe wars, were very great. The manner in which the Savages made war, was ſuch, as frequently deprived the white people of uſing any precaution, and rendered no ſituation, excepting that of a fortification, ſafe for them.

Their cruelty to aged, ſick, and infirm captives, as well as to thoſe who had killed any of their people, might ariſe from three cauſes; from an idea that war on their part was at all times juſtifiable in the defence of their own country, that thoſe who had killed any of their people, had been guilty of murder, and that there was no mercy to be ſhewn to, and that no faith was to be preſerved with heretics.

While the war laſt mentioned was continued, Sir Edmund Andros erected a fort at Pemaquid; one at Sheepſcott; and another at Brunſwick: and placing troops in each, gave the command to Captain Brackett.

After the treaty of Ryſwick, in 1698, and the ſubjection of the Caſtine Indians in the year 1699, the French contrived to remove a great part of the natives from Penobſcott, Norridgewock, Pigwocket and Oſſippee to St. François in Canada, where they were ever after known by the name of the St. François Indians.*

This

* Hutchinſon.

This took away the pretext, which the government might have to puniſh them for treaſon, placed them beyond the watch of the people on the frontiers, gave them an opportunity to ſerve as guides to Savages who lived remote, and in this way rendered them much more dangerous than they were before.

There were however, tribes remaining in the country; and in the year 1703, colonel March went with about four hundred men to Oſſippee, and Pickwocket, in queſt of ſome of them. He killed about twelve. At this time, the general court offered a bounty of forty pounds for each ſcalp. In the ſpring of 1704, a company of a hundred of friendly Indians, was procured from Connecticut, and placed at Berwick; but theſe did no execution.

In this year, the famous colonel Church, with five or ſix hundred men, and a number of veſſels, and whale boats, proceeded to Penobſcott, and took a daughter of Caſtine, and ſeveral other French priſoners. He alſo killed ſeveral of the natives: from thence he proceeded to Menis, and plundered and burnt the town: and having taken a number of French priſoners, he diſmiſſed one with a meſſage to the governour of Canada, threatening to retaliate for his cruelties, unleſs he put a ſtop to ſuch barbarous depredations, as had been committed on the Engliſh frontiers.

At this time governour Dudley, by order of the king, urged the houſe of repreſentatives, to grant money for the purpoſe of rebuilding the fort at Pemaquid; which they refuſed to comply with, becauſe, as they ſaid, it was not in the Indians' rout, by which they came to attack the frontiers, and therefore it could be of no uſe to the government. That the expenſe would be ſo

very

very great, that the Province could not, with the other neceſſary public burdens, ſupport it.

In the year 1710, the territory of Acadie was ſubdued by the capture of Port Royal. This was effected by an army under command of general Nicholſon, raiſed by the New England colonies. Upon the ſucceſs of that enterprize the governour and council ſent major Livingſton, with Caſtine the younger, acroſs the country to Quebeck, with a meſſage, informing the governour, that Acadie was ſubdued, and that if he ſent his parties to commit cruelties, the ſame ſhould be retaliated on the people of Nova Scotia and Acadie; to this Vaudreuil returned a meſſage by Rouville and Vaupuit, two partizans, that the French were never guilty of any cruelties; for the truth of which he refered the governour and council to the teſtimonies of their own people, who had been priſoners; and that the inhabitants of Acadie, and Nova Scotia, being within the protection of the capitulation, under which they ſurrendered, were protected by the laws of war, and could not be the ſubjects of retaliation.

In this year colonel Walton, who lived at Sommerſworth in the colony of New Hampſhire, went with a party to Norridgewock, and killed ſeveral of the enemy.

There was nothing very intereſting as to the Indian wars in the Province of Maine, or Territory of Acadie, that happened, excepting what has been mentioned in the deſcription of the ancient towns, until the war which was commenced in the year 1723, commonly called the three years war.

There was in the three years war, no particular circumſtances, within the Diſtrict, but which have been already mentioned, excepting two inſtances, which have been much celebrated by tradition and hiſtory.

The

The one was of Captain John Lovel, which has been deſcribed by Dr. Belknap in his Hiſtory of New Hampſhire, in a manner which does ſo much juſtice to the ſubject, that it is beſt to refer the reader to his hiſtory for it.

In the ſame year, 1724, an expedition was conducted under Hammon and Moulton, againſt Norridgewock. They attacked and deſtroyed that village, and killed a number of the Savages, with Ralle, a Jeſuit, who reſided there. This and the battle of Captain Lovel, were of great conſequence to the people of the province of Maine. Theſe tribes were all the Savages which remained of the numerous bodies who once inhabited that territory. Theſe held their villages as reſting places for the Canada Indians, and were themſelves the guides of the ſcouting parties who came from thence on our frontiers. Theſe deciſive actions, relieved the people from great apprehenſions, and ſaved the frontiers from great calamities.

Colonel Hammon lived, much reſpected, for many years, and Moulton had the expreſſions of gratitude, which the people generally beſtow on men who have diſtinguiſhed themſelves by warlike and heroic actions. He afterwards was colonel of a regiment at the reduction of Loiſbourg in 1745; was ſheriff of the county of York, afterwards firſt juſtice of the court of common pleas, and judge of probate. He died in 1765; his ſon and grandſon, were ſheriffs of the county, and another of his ſons was judge of the court and regiſter of deeds.

Colonel Weſtbrook went from Kenebeck to the river Penobſcott with three hundred men; and other

parties

parties were ordered to Norridgewock, Oſſippee and other places, but no Indians were found.

There was a long ceſſation from hoſtilities, between the three years war and that which commenced in 1744. A peace being concluded in 1747, the ſettlers puſhed themſelves out into the frontier parts of the country. Lebanon and Sandford were ſettled under the names of Towwoh, and Phillipſtown. When the war began in 1753, it became neceſſary to defend the frontiers by ſcouting parties. One Captain Geriſh, who is now alive, commanded a company which paſſed once a fortnight from the head of Piſcataqua River over to Saco River, and another was employed in marching from Saco over to Brunſwick. A line of forts was eſtabliſhed on Kenebeck, in 1754, and the fortifications in all the eaſtern country repaired. The reduction of Canada, put an end to the troubles and dangers ariſing from the hoſtilities of the natives, and gave ſecurity, wealth, and happineſs to the inhabitants.

One circumſtance, which ought to have been mentioned in the deſcription of the manners of the natives, may have a place at the end of this chapter, rather than to be omitted intirely.

It has been obſerved, that in the firſt wars with the Savages, which happened in the Diſtrict of Maine, their practice was to carry their captives to Penobſcott, and to other eaſtern Indian ſettlements. There did not then appear to be any connexion, or intercourſe, between the tribes in the Diſtrict, and nations in and about Canada. Nor do we know of any between thoſe tribes, and the weſtern Indians, excepting that runners were received from the weſtward, under the appellation of ſtrange Indians. When the eaſtern Savages made

an

an hoſtile expedition weſtward they were not ſeen to come further northward than to Saco River; and their head quarters, the reſidence of Madockawando their chief, and afterwards of Caſtine their Gallic prince, or ſachem, was on Penobſcott River.

The eaſtern Indians were in appearance, and in their manner of life much like thoſe who lived in Maſſachuſetts and New Hampſhire: but they were clearly a diſtinct people. Their language was diſſimilar, and it is now rendered certain that the Savages on the eaſt of Saco River could not underſtand the language of thoſe further weſt within New England.

Mr. Elliot, a miſſionary to the Indians, in New England, aſſumed the toil of tranſlating the Bible into the Indian language, and the chriſtian religion was read and preached to them, according to that tranſlation. The reverend Mr. Little, who was lately employed as a miſſionary, to the eaſtern Savages, carried one of thoſe Bibles to the Penobſcott and St. John's tribes, but there was not one word of their language in it, nor could they by any means underſtand it, or any part of it. That reverend gentleman compiled a Vocabulary of the dialect of the Indians, to whom he was ſent, which is a very perfect one; but none of the words in it are found in Elliot's Bible. There was a Mr. Cutter who had been a miniſter in North Yarmouth, but after leaving the miniſtry, was about fifty years ago, a commander of a fort, and keeper of a truck houſe on Saco River. In order to conduct his buſineſs with the Indians, which were altogether of the Pickwocket and Oſſippee tribes, he compoſed a Vocabulary, which yet remains, and has been found by Mr. Little to be exactly, or very nearly ſimilar to the one

he prepared, with the Penobſcott and other eaſtern tribes. This is not the only circumſtance, though it may be ſufficient to induce us to believe, that the river of Saco was an important dividing line between the Savage nations of the eaſt and weſt parts of New England.

CHAP.

CHAP. IX.

The Revolutions of Government.

IN this chapter, it will be neceſſary to conſider, diſtinctly, the governments which have taken place in the ſeveral parts of the Diſtrict, as there was no one government, before the year 1692, which embraced the whole of the territory.

There has been a confuſion of ideas, ariſing from the want of information, and from the inattention of the perſons who have undertaken to deſcribe the country eaſt of Piſcataqua River.

The provinces of Laconia, Lygonia, Sommerſett, and Maine, have been confounded in ſuch a manner, that no one hiſtorian has deſcribed thoſe places with accuracy. Laconia, and Lygonia, have been generally taken for the ſame province.

Laconia, in governour Hutchinſon's hiſtory, is ſaid to be an imaginary country, and that author further adds, that Captain Neale, and three others, came over as agents to Gorges, and went in ſearch of Laconia, but returned to England without finding it. What authority there is for this aſſertion is not now known. Neale was an agent to Gorges, and lived in Kittery. He granted nearly all the lands within that town, under the authority of the proprietor of the Province of Maine. Whether he ſearched for Laconia or not, Gorges had an accurate deſcription of it, and is the only one who kept it diſtinct from the other territories, which were the objects of enterprize at that day. As Gorges was never here himſelf, he obtained the deſcription which he gave of that territory, very probably, from Neale. John Joſſylyn, in his hiſtory, gives the appellation of Laconia to Gorges'

patent. The brother of John Joſſylyn goes into the ſame error, in his complaint to the king againſt the Maſſachuſetts government.

The province of Laconia, was intended to be in the interior part of the country, on the great lakes which extend from what is now called Vermont, through what is now the Upper Canada. The proprietors had a deſcription of the country from the Savages, and believed every idle tale, reſpecting mines, diamonds, and precious ſtones, with which the Indians choſe to amuſe their avaricious and credulous minds. But the diſtance of the country from the ſea, and the toil and labour neceſſary to get to it by land, the French being in poſſeſſion of the St. Lawrence, diſcouraged the adventurers.

As Sir Ferdinando Gorges deſcribes the territory of Laconia, it was intended to include the lakes of Iroquois and St. Sacrament, ſince called Lake Champlain, and Lake George, with the Lakes Ontario, Huron, Superior, &c. He ſays, "it was between forty four and forty five degrees of northern latitude, having Sagadahock and Merrimack Rivers on the ſouth of it, towards the ſea, with great lakes, and extending to California in the South Sea on the weſt; and on the north eaſt to the river of Canada."

This deſcription excludes the whole of the ſea coaſt in the Diſtrict of Maine, and that part of New Hampſhire which is near the ſea.

Doctor Belknap ſuppoſes the province of Laconia, to be the province which Gorges held afterwards under the grant from Charles; but it is very clear that it was a very different country: the deſcription of Laconia places Merrimack and Sagadahock Rivers on the

ſouth

south of it; but if the Province of Maine was the ancient Laconia, the river Sagadahock must have been on the east, or rather north east of it. Besides this, the grant was of a tract which was between the 44th and 45th degrees of latitude, whereas the grant of the Province of Maine, and the other grants in general, were bounded by great rivers, and run across the latitudes. This grant was bounded north east on Canada River, and there was never a pretension, that the Province of Maine extended to that water.

There was one other province, or country, which was called Norumbegua, described as lying between Nova Scotia on the north, and New England on the south. There were so many different appellations, and such a confusion of grants in the country, that with the want of maps under which the people then laboured, it was impossible to distinguish the several territories with any degree of accuracy. Virginia was a general name for all the country, and was said to contain New England, and Novum Belgium, with all North America.*

The people of Norumbegua, were supposed to be an ancient people, who lived on the river Penobscott, then called Pemptegeovett, near to which, as it was imagined, a great city once stood, called by the name of Norumbegua. The bounds of New England was conceived to extend to the river Pemaquid, and the country of Norumbegua to be bounded west on that, and to run as far east as Penobscott, including Sheepscott River, then called Chavacovett. Some supposed it to be a collection of Indian huts, and others an ancient town. In Ogilby it is conjectured to be the ruins of an ancient town,

* Collection of Voyages.

town, which the natives called Arambeck, and had deſerted it. Some thought that the country was called by this name, becauſe a colony of Norwegians had anciently been ſettled there.

The appellation of this part of the country, and of the ſeveral parts which were ſuppoſed to be within the ſame; and of the rivers ſuppoſed to be there, are not known in the Indian language; nor have the natives any tradition of ſuch towns, or cities, as are conjectured in the old writers of the American Hiſtory. On the whole, it may be ſafely concluded, that there never was an ancient country or city called Norumbegua, but that the rage of the day for new diſcoveries, and the idle tales of the voyagers, gave an imaginary exiſtence to ſuch a place.

The variety of governments, which have, from time to time, been exerciſed over different parts of the Diſtrict, are not eaſily to be deſcribed, becauſe there are no perfect records of their proceedings to be found.

That part of Acadie, which is now comprehended within the Diſtrict of Maine, was rather an appendage to a large tract of territory, which the Engliſh called by the general name of Newfoundland; and the French by the name of Acadie. This territory extended from the gulph of St. Lawrence, and from the river of that name, along the ſea ſhore weſtward, taking the Bay of Chaleurs, and the Bay of Fundy; and ſo on to the river Kenebeck. This is now divided into the provinces of Nova Scotia, New Brunſwick, and a part of Maſſachuſetts; which by the treaty is ſeparated from the province laſt mentioned, by a line extending northward on the river St. Croix, and north from the ſource of that river to the Province of Quebeck, or

Lower

Lower Canada. When we ſpeak of the government, which was at firſt eſtabliſhed over a part of our Diſtrict, we muſt refer ourſelves to the government eſtabliſhed by the Engliſh in Newfoundland, and by the French in the ſame place, under the name of Acadie.

In the ſecond year of Henry VI. of England, an act of parliament was paſſed, entitled "An act againſt the exaction of money, or any other thing, by any officer, for licenſe to traffic into Iſeland and Newfoundland."

The act of parliament was in theſe words. "Foraſmuch as within theſe few years now laſt paſt, there have been levied, received, and taken, by certain of the officers of the admiralty, of ſuch merchants and fiſhermen, as have uſed and practiſed the adventures and journies into Iſeland, Newfoundland, Ireland, and other places commodious for fiſhing, and the getting fiſh in and upon the ſeas, or otherwiſe by way of merchants in thoſe parts, divers great exactions, as ſums of money, doles, or ſhares of fiſh, and ſuch like things; to the great diſcouragement and hindrance of the ſame merchants and fiſhermen, and to the no little damage of the whole commonwealth, and thereof alſo great complaints have been made, and informations alſo yearly to the king's majeſty's moſt honourable council; for reformation whereof, and to the intent alſo, that the ſaid merchants and fiſhermen, may have occaſion the rather to practiſe and uſe the ſame trade of merchandizing and fiſhing, freely without any ſuch charges and exactions as are before limitted; whereby it is to be thought that more plenty of fiſh ſhall come into this realm, and thereby to have the ſame at more reaſonable prices. Be it therefore enacted by the king our ſovereign lord, and

by the lords and commons in the preſent parliament aſſembled, and by the authority of the ſame, that neither the admiral, or any other miniſter, officers, or miniſters of the admiralty for the time being, ſhall in any wiſe hereafter, exact, or receive, or take by himſelf, his ſervant, deputy, ſervants or deputies, of any ſuch merchant or fiſherman, any ſum or ſums of money, doles or ſhares of fiſh, or any other reward, benefit, or advantage whatſoever it be, for any licence to paſs this realm to the ſaid voyages, or any of them, nor upon any reſpect concerning the ſaid voyages nor any of them, upon pain, to forfeit for the firſt offence treble the ſum, or treble the value of the reward, benefit, or advantage that any ſuch officer, or miniſter, ſhall hereafter have or take of any ſuch merchants or fiſhermen: and for the ſecond offence the party ſo offending not only to looſe and forfeit his or their ſaid office or offices in the admiralty, but alſo to make fine and ranſom at the king's will and pleaſure."

The grant of the continent in the year 1606, from thirty four to forty eight degrees of northern latitude, was divided into two parts; the firſt was to the city of London, the ſecond was to Briſtol, Exeter and Plymouth. The ſecond, or what was afterwards called New England, was mountainous and unpromiſing.* There had been no attempts by the Engliſh to eſtabliſh a government in the country, after that begun by Gilbert, until the year 1606: previous to which a government was attempted by the French nation.

Bartholomew Goſnold landed ſome people near the river Kenebeck in the year 1602, but could not induce them to tarry, and therefore took them away, and began the

* Hubbard.

the plantation at the Vineyard,* on islands now within the commonwealth of Massachusetts. In the year 1603, the king of France granted to De Motte, all the country from the fortieth to the forty sixth degree of northern latitude; and in the year 1604, De Motte came into the country and took possession of the soil: he was appointed lieutenant governour and commander in chief of the province of Acadie, which was then supposed to be bounded on the east by the middle of the river St. Lawrence, and on the west by Kenebeck River. What is now called the bay of Fundy, was then called Baie Françoise, or Frenchman's Bay. Port Royal, since by the English called Annapolis Royal, was considered as the capital. The French people under this provincial government, settled along the shore as far west as to the river Kenebeck. There was not then so much as a cabin erected by the French in Canada.†

This French colony was not supported with any considerable degree of energy by the mother country. Henry the fourth of France, who granted the charter, was a wise and benevolent prince, and delighted in the happiness of his subjects. He ruled by established laws, and made the honour and happiness of his kingdom the only end of his mild and generous government.

But the ideas of a religious reformation, had been kindled in France from Geneva, and the Low Countries: these naturally led to the subversion, as well of the throne as of the established national church. Henry was too much engaged, in a conflict necessarily resulting from these causes, to pay a great attention to the new colony of Acadie. His death threw the nation into the hands of

* Hutchinson. † Abbe Raynal.

of a weak minority. Cardinal Richelieu had the government in his own hands. The great object was to ſuppreſs the republican ſpirit of Calviniſm; to effect which, a great number of wiſe and good men were brought to public execution. When this great plan was accompliſhed, he encreaſed the power of the crown, made the parliaments ſubſervient to the king's pleaſure, and raiſed the court to a degree of pomp and ſplendour, which had never before been ſeen in that nation. To do this, *excluſive privileges and immunities were granted to companies of men*, and particular ſubjects; ſo that finally, the influence of the government was only felt through theſe, while individuals, as mere ſubjects, knew nothing of, nor ſcarcely felt the bleſſings of a national authority.

The inconſiderable colony of Acadie, was in this period neglected; and the people of Virginia, in the year 1613, ſent Sir Samuel Argal, with a party to diſplace the French from Sagadahock. He ſeized Port Royal, St. Croix, Mount Manſel, now called Mount Deſert, and carried away their ordnance ſtores.*

There was no government eſtabliſhed in that territory, by the Engliſh, or any ſettlement, until the government of the colony of New Plymouth erected a fort there in the year 1621;† but the king ſold the country of Acadie, in the year 1630, to Sir William Alexander, who was a favourite of his majeſty, and a particular counſellor to the queen, who was a native of France. Alexander, in the year 1630, aliened his patent and government to the French crown. Previous to Sir Alexander's transferring the country, which in his patent, had the name of Nova Scotia, in honour

* Hubbard, Abbe Raynal. † Hutchinſon.

honour to the country which gave birth to that favourite, he attempted to govern it by a particular commiſſion, which he iſſued for that purpoſe. Upon his ſelling his patent, the king of France granted to M. de la Tour, all the country of Acadie and Nova Scotia. This grant is ſaid to have been confirmed to M. de la Tour by the king of England, and to add honour to his achievement of territory, he was made a baronet of Scotland.

After Sir Samuel Argal, in 1613, removed the French from Acadie, and carried them to Virginia, Charles I. married Henrietta Maria, a daughter of France, and reſtored the poſſeſſion of l'Acadie and Nova Scotia to the French crown.

But the people of New Plymouth had eſtabliſhed a trading houſe at Penobſcott, in the year 1626. The French kept poſſeſſion, however, of Mount Manſel, now called Mount Deſert, until the year 1627, when Charles made another grant of the country to Sir William Kirk, and his brother. Theſe gentlemen fitted out at their own expenſe, an armament, and took eighteen French veſſels, and one hundred and thirty five pieces of ordnance, intended for fortification there and at Quebeck. The whole of the country, and that of Quebeck, was taken by the Kirks, from the crown of France; and Alexander Kirk was made governour of the whole.

In the year 1632, the whole was ceded (as has before been obſerved) to the crown of France; from that day to the year 1760, Quebeck remained in the hands of the French. Charles reſerved for his ſubjects, the right of trading with the Indians, and granted the ſame excluſively to the Kirks, in compenſation

of

of what they had ſurrendered, and for the ſum of fifty thouſand pounds ſterling, which they had expended on the city of Quebeck, and for forts on the river St. Lawrence: the Kirks, on this, fitted out a ſhip to trade in Canada, but the French condemned her as forfeited by their arrets of navigation and commerce.

The Jeſuits about this period began to gain an influence. The duke of Guerheville, who was the favourite of Louis XIII. was in their intereſt. They promiſed him a ſhare in the new plantation, and he cauſed them to be amply ſupplied with what they needed. By this means, they made themſelves maſters of Port Royal, and began a fort on Penobſcott; but Argal put a ſtop to their proceedings, and in an action, killed Duthet, who was their principal military character, and thus put an end to the expectations in North America of an aſſociation of men, whoſe art, intrigue, ability, and extreme cruelty, have ſince that time, done great injury to Europe, and diſgraced the annals of more than a century of years.

In the year 1632, by the treaty of Germains, the whole country of Acadie was again ceded by the Engliſh king to the crown of France. Upon this ceſſion De la Tour obtained a grant in 1634, of the Iſle of Sables, of Port Royal, and a tract ten leagues ſquare into the country; and of Menis, with all the adjacent iſlands. Razilla had the general command, and appointed Mons. d'Aulney de Charniſy his lieutenant over the weſt part of the country, from St. Croix to the river Kenebeck. D'Aulney came in the year 1635, and rifled the truck houſe, which the colony of Plymouth had erected at Penobſcott, and drove their ſervants and agents away. Upon the death of Razilla, De la

Tour

Tour and d'Aulney contended for the chief command, and made war on each other. The French king, in the year 1638, ordered d'Aulney to confine his government to the country of the Etechemins; but no one knew the limits of that territory.

The court of France was, in that age, too much debauched, and the manners of the nation too much depraved, to afford the government any conſiderable ſhare of energy; and therefore theſe contending commanders, at a diſtance from the throne, having no other power to appeal to, la Tour and d'Aulney applied to the government of Maſſachuſetts at Boſton, for aid, and ſeverally ſtated their claims, and laid their complaints before that government. The governour and magiſtrates did not think it adviſable to give aid to either, but conſented that de la Tour ſhould hire ſhips and men to ſupport his conteſt againſt d'Aulney. De la Tour hired four veſſels, and obtained about eighty men, and attacked the fort of his adverſary at St. Croix. D'Aulney fled to Penobſcott, and was purſued and his party was defeated. He went to France, and was expected to return in the year 1644, with ſuch forces as would give him ſucceſs. De la Tour, under this apprehenſion, applied again to the governour of Maſſachuſetts for aid, and though there was a predilection in favour of de la Tour, who was a French Proteſtant, and a dread of his rival, as a troubleſome neighbour, yet the magiſtrates would not agree to take any meaſures in favour of the former. They adviſed governour Endicott to write to d'Aulney, to inquire why he had interrupted their trade, and had taken the ſhips of ſome of their merchants, which had been employed in trading with de la Tour, and to inform him that they

would

would ſupport their trade againſt his invaſions. Notwithſtanding this, d'Aulney took ſome veſſels which went from Saco to trade with de la Tour. In the ſummer of that year, de la Tour attempted to take Penobſcott from d'Aulney: he went firſt with his party to the farm houſe, which was about ſix miles from the fort, and burned that, but was defeated. Waneſton, who aided de la Tour, was killed in the attempt, and thoſe of the party who ſurvived came to Boſton.

In September, d'Aulney ſent letters to the governour of Boſton, which were conceived with much addreſs, apologizing to the government, for the aid it had given to his rival, and wiſhing for a peace and a good correſpondence with the colony of Maſſachuſetts. He mentioned that he had further inſtructions from the king of France, which he ſhould communicate very ſoon. Not long after this, he ſent a commiſſioner, attended with ten men, under a commiſſion iſſued from the great ſeal of France; and papers evincing, that de la Tour was proſcribed by the French government, as a rebel. There could be no reconciliation between the parties; and d'Aulney, having an evident ſuperiority of intereſt in the French court over de la Tour, who, by being reputed to be an huganot, had loſt all favour, and was abandoned to his fate, articles of peace and friendſhip was concluded with his rival: the agreement was in theſe words, as given in governour Hutchinſon's Hiſtory, and taken from the general court records.

"The agreement between John Endicott, Eſq. governour of New England, and the reſt of the magiſtrates, and Mons. Morie, commiſſioner of Mons. d'Aulney, knight, governour of, and lieutenant gener-

al

al for his majeſty the king of France, in Acadie, a province in New France, made and ratified at Boſton, in the Maſſachuſetts aforeſaid, October 8th, 1644.

"The governour, and all the reſt of the magiſtrates do promiſe to Mons. Morie, that they and all the reſt of the Engliſh, within the juriſdiction of the Maſſachuſetts, ſhall obſerve and keep firm peace with M. d'Aulney, and all the French under his command in Acadie; and likewiſe the ſaid M. Morie, doth promiſe, in behalf of M. d'Aulney, that he and all his people, ſhall alſo keep firm peace with the governour and magiſtrates aforeſaid, and with all the inhabitants of the juriſdiction of the Maſſachuſetts aforeſaid; and that it ſhall be lawful for all men, both French and Engliſh, to trade with each other, ſo that if any occaſion of offence ſhould happen, neither party ſhall attempt any thing againſt the other, in any hoſtile manner, until the wrong be firſt declared, and complained of, and due ſatisfaction not given; provided always, the governour and magiſtrates, aforeſaid, be not bound to reſtrain their merchants from trading, with their ſhips, with any perſons, whether French or others, whereſoever they dwell. Provided alſo, that the full ratification, and concluſion of this agreement, be referred to the next meeting of the commiſſioners of the United Colonies of New England, for their continuation or abrogation, and in the mean time to remain firm and inviolable."

Notwithſtanding this treaty, de la Tour was allowed to hire a veſſel to carry ſupplies to his fort, with which he returned home.

This treaty was ratified by the commiſſioners of the united colonies. D'Aulney, however, became very troubleſome, and ſeized the veſſels which attempted to

trade

trade with de la Tour. Upon this the governour and magiſtrates expoſtulated with him on the infraction of the treaty; but he replied in a very haughty manner, with threatenings of the reſentment of the king of France.

The colony could not return a defenſive anſwer, that their king was able and willing to protect them againſt the French king; becauſe the government of Great Britain was then torn by factions, and on the eve of a civil war. Charles, who was then on the throne, was a greater enemy to the New England colonies, than the king of France was. He conſidered the colonies as a place of refuge for fanatics and republicans, had a few years before, by a proclamation, prohibited his ſubjects from migrating thither, and was content to leave the people there for a prey to any adventurous invader: convinced of this, the governour and magiſtrates ſent a reply, which originated in a ſenſe of their defenceleſs ſituation. They ſaid, that "they were not affraid of any thing that he could do for them, and as for his maſter, they knew he was a mighty prince, but they hoped he was juſt as well as mighty, and that he would not fall upon them without hearing their cauſe; but if he ſhould, they had a God in whom they put their truſt when all failed."

In the year 1645, d'Aulney made an attack upon de la Tour's fort, which was defended by de la Tour and his wife with ſucceſs. The aſſailant being diſappointed in that enterprize, affected to be in a rage againſt Maſſachuſetts, and charged the government with a breach of the treaty, in allowing his enemy to go away from Boſton after the treaty was made, in a veſſel belonging to ſome of the people there. The

governour

governour ſent captain Allen to inform him, that the veſſels de la Tour engaged at Boſton, were veſſels from London which happened to be at Boſton at that time. D'Aulney at firſt refuſed to anſwer the letter, and treated the commiſſioner with haughtineſs and contempt. The commiſſioners of the united colonies, determined to demand of him a ratification of the treaty, but when the general court came together, they determined to ſend the deputy governour, general Deniſon, and Capt. Hawthorne to him. There was a debate in the court, whether to propoſe the meeting at Penobſcott, which was then confeſſedly within the territory of Acadie, or at Pemaquid, which from the grant to Elbridge and Aldſworth from the council of Plymouth, was conſidered to be within the territory of New England, and was then an Engliſh plantation. But on having their intentions communicated, he aſſumed a more pacific appearance, ſeemed pleaſed with the honour they were about to ſhew him, and agreed to ſend commiſſioners to Boſton in Auguſt 1646, to enter into a treaty with the government. In September, Morie and Lewis, his commiſſioners, arrived at Boſton, on a Sunday, and were received, and conducted to proper lodgings. After ſervice was over, major Gibbons eſcorted them to the governour. The next day, they entered upon buſineſs, and renewed the treaty. Among other preſents made to d'Aulney, was that of a rich ſedan, which had been made for the viceroy of Mexico, and taken by a captain Cromwell, and preſented to governour Winthrop. This treatment was very flattering to d'Aulney, and no leſs humiliating to the colony of Maſſachuſetts. The governour and magiſtrates knew the united colonies, or perhaps either of them, to be ſuperior to d'Aul-

ney, but they had no mother country to defend them, and they dreaded the power of France : but that nation was torn by inteſtine broils, ſunk to the loweſt ebb of debauchery and weakneſs, and was vainly attempting to aid Charles of England againſt the republicans, who had threatened all the crowns in Europe. Had not this been the caſe, de la Tour and d'Aulney would not have been ſuffered to contend in the manner they did, as ſubjects of the French king. While the treaty with the colony was in hand, d'Aulney made a ſucceſsful attempt againſt his enemy's fort, and plundered it of furs, money, and jewels to a great value. De la Tour fled to Newfoundland for protection, but was diſappointed, becauſe Kirk did not incline to interfere in the quarrel. From thence he came to Boſton, and obtained a credit of four or five hundred pounds, with which he went to Hudſon's Bay, in order to trade with the Indians.

D'Aulney died in the year 1651, and the next year de la Tour returned and married his widow. There is no notice taken of the death of de la Tour's wife ; ſhe aſſiſted her huſband in the defence of his fort in 1645, and no doubt died that year. By the ſecond marriage he had ſeveral children, who by the deviſe of d'Aulney's daughter by the ſame mother, had the whole of her father's eſtate.

The colony of New Plymouth kept poſſeſſion of their trading houſe and fort, at Penobſcott, until it was taken by Roſſillan, a Frenchman from Nova Scotia, in 1635. The French at that time conſidering the plantation at Pemaquid, as within New England, did not concern with it.

In the year 1653, major Sedgwick proceeded on an expedition under Oliver Cromwell, oſtenſibly againſt the

the Dutch, who had ſettled on the Hudſon; but that commander, either without orders or purſuant to ſuch as were given him in ſecret, ſuddenly turned his courſe to Acadie, and though there was a peace exiſting between the Engliſh and French nations, he removed the French from Penobſcott. The French complained of the injury, and requeſted a reſtoration of the territory, but never could obtain it in Cromwell's time.

In the year 1670, Charles II. ceded all Acadie to the French, upon which they obtained a repoſſeſſion of the territory; but the Dutch, within three years after, expelled the French and poſſeſſed themſelves of the country; and the people of New England, ſoon after expelled the Dutch. It was a very imprudent attempt in the Dutch to take poſſeſſion of a country, ſo remote from the Hudſon, where they had fixed their colony.

After the reſtoration, in the year 1670, Charles II. ceded "Nova Scotia, and the reſt of Acadie, by the treaty of Breda, to the French." Sir Thomas Temple, to whom Oliver Cromwell had granted the country, thought himſelf injured by this ceſſion; but the order of the the king was repeated and poſitive, and he was obliged to comply, by delivering up the poſſeſſion of the forts and country. The French made but little progreſs in the improvement of the country, which might be owing to the want of accuracy in the deſcription, and the claſhing of titles, with which they were conſtantly perplexed.

When the Dutch and French had before been in poſſeſſion of Acadie, the people of the Engliſh colonies were very uneaſy at being deſtitute of the protection of the parent ſtate; but their being Puritans, effectually prevented their having any aſſiſtance from the other

ſide of the water. In the year 1635, the plantations in New England, appointed Edward Winſlow, as an agent, to repreſent to his majeſty, that his territories were encroached upon by the French and Dutch, and to pray that his majeſty would either procure peace with thoſe nations; or give authority to the Engliſh colonies to act in their own defence.

As Mr. Winſlow offered, on the part of the colonies, to be at all the expenſe, which might accrue by the war propoſed, his petition was very favourably received by the lords commiſſioners of trade and plantation; but finally, archbiſhop Laud was at the board, and having heard that Winſlow was a Puritan, interrogated him on the ſubject. Winſlow was an honeſt man, and openly avowed his ſentiments; by means of which, on the zealous importunity of Laud, he was committed to the fleet priſon, where he laid four months. Thus ended the embaſſy of Winſlow.*

In the year 1635, upon the petition of Gorges and Maſon, the crown propoſed a diviſion of New England into twelve provinces: the firſt was from St. Croix to Pemaquid, and the ſecond was from Pemaquid to the river Sagadahock. As Maſſachuſetts, Rhode Iſland, and Connecticut, were included in this act of partition, there was an oppoſition to it, which was ſucceſsful againſt all the efforts that could be made by Gorges and Maſon, ſo that there was nothing more done on that plan of government, in the time of Charles I. and the whole proceeding, by the parliamentary government, after his death, was regarded as unconſtitutional, and illegal, by his ſucceſſor. When Charles II. returned to England, in the year 1660, notwithſtanding his fair pretenſions, the world was ſoon convinced that he intended

* Hutchinſon.

tended to reign upon the ſame principles which had brought his father to the ſcaffold. His intention with regard to the colonies, was, to reduce them to the plan of twelve royal provinces, according to the ideas adopted by his father, in 1635, and to have a viceroy over the whole. According to this plan, he ſent commiſſioners over, in the year 1665, with authority to reduce the Dutch ſettlements on the Hudſon; to ſettle peace, and to eſtabliſh good government in the colonies. Colonel Richard Nichols, who was afterwards governour of New York, was joined with Sir Robert Carr, George Cartwright, and Samuel Marverick, in the commiſſion. The Dutch ſettlements at New York, Albany, and other places, were ſubdued by the Engliſh in that year; and the commiſſioners turned their attention to matters of government, but met ſo warm an oppoſition from the general court of Maſſachuſetts, that nothing was done there. More attention was paid to them at Rhode Iſland and New Plymouth colonies.*

With thoſe commiſſioners, came over one Archdale, as agent to Gorges, the ſon of Sir Ferdinando; and brought orders under the ſign manual of the king, to reſtore to Gorges his patent, which the Maſſachuſetts government, "had ſhamefully encroached upon in the time of the civil wars."†

The commiſſioners, finding nothing to do in Maſſachuſetts, went into New Hampſhire, and finally, into the Province of Maine. Their intention was to maintain the twelve governments of 1635; and the king appointed his brother, the Duke of York, afterwards king James II. viceroy of the country. The exerciſe of

* Hutchinſon. † Joſſylyn's Chronology.

of this government was not extended to any other places, than to the Province of New York and to the Province of Maine, and the territory eaſt of it, then called the county of Newcaſtle.

The attempt was, to conſolidate the Province of Maine, and the other eaſtern diviſion, into one government. The court holden by the commiſſioners, was at Sheepſcott, fifteen miles eaſt of the Province of Maine; where they appointed a number of thoſe perſons, who were firm royaliſts, and who lived within the Province of Maine, in Scarborough, York, and Kittery, juſtices of the peace, under the duke of York's government; and eſtabliſhed admiralty and other courts within the ſame. There is no record of any of the people who lived on the weſt of Kenebeck river, having come in, and taken the oath of allegiance to the duke's government, but a great many eaſt of that river did. There are ſome extracts from the records of that proceeding, which ſhew, more particularly, what was done at the firſt court under that government. The extracts are as follows.

"The rolls of ſuch acts and orders, paſſed firſt ſeſſions, holden in the *territories of his highneſs duke of York*; on the eaſtern and northward ſide of Sagadahock; and extending to Nova Scotia. Holden at the houſe of John Maſon in the River Shipſcot, this 5th day of September, in the ſeventeenth year of the reign of our ſovereign lord the king; Anno Domini 1665.

Henry Jocelen, Eſq. Mr. Robert Jordan, Mr. George Monjoy, Capt. Nicholas Raynalds, Mr. Thomas Gardiner, Mr. Wm. Dyer, appeared in commiſſion, and declared their acceptance of the office and duty, by taking

taking the oaths of allegiance and ſupremacy, as alſo that of a juſtice of the peace.

The inhabitants by letter admitted, and accordingly appearing, who to take the aboveſaid oath of allegiance and ſupremacy, to and under our ſovereign lord the king, are as under liſted.

Of Pemaquid and Winnegance.

Henry Chamneſs, George Buckland,
Edmund Arrowſmith, Mr. Thomas Albridge.

Of Monhegan.

None.

Of Capaneldagen.

None.

Of Shipſcot.

John Maſon, John Tayler,
Thomas Mercer, John White,
Walter Phillips, William Markes,
Nathaniel Draper, Robert Scott,
Chriſtopher Dier, Andrew Stalger,
William Dole, Moſes Pike,
William James, Thomas Gint.

Of Sagadahock.

Richard Hamons, John White,
Thomas Parker, Markes Parſons,
Robert Morgan, John Miller,
Thomas Watkins, William Friſwell.

A true copy from Sheepſcot record, examined per
J. Willard, Secretary.

Joſſylyn lived at Black Point, Jordan lived near by him, Dyer lived at Saco, Montjoy at Caſco, Robert Cutts at Kittery, and Joſhua Scottow at Black Point. Others whoſe names are not mentioned, in the above extract of the records, to wit, William Phillips of Saco, and John Wincall of Berwick, were in the appointment.

The republican party, or as they were more generally called, the Puritans, did not come in on the call of the commiſſioners, but were ſtill under the influence of the Maſſachuſetts. This is complained of by Joſſylyn in his ſecond voyage, wherein he ſays, that the magiſtrates of the Province of Maine, meaning no doubt, thoſe appointed by the commiſſioners, were royaliſts, but that the others were perverſe ſpirits. He alſo obſerves, that Maſſachuſetts had encroached on the province of Gorges, and that the people ſeemed willing to join them; "Birds of a feather will rally together," was his illnatured remark.

The oath adminiſtered by the order of the commiſſioners, to the magiſtrates, was as follows, "You ſwear as a juſtice of the peace in the Province of Maine, you ſhall do equal right to the poor and rich, after the laws and cuſtoms of England, according to your cunning and power. You ſhall not be of council to any party. You ſhall not let for gift, or other cauſe, but well and truly you ſhall do your office of a juſtice of peace."

The commiſſioners iſſued a religious conſtitution, which was as liberal, at leaſt, as what they had propoſed to Maſſachuſetts when they firſt arrived. Joſſylyn was appointed to decide, when the juſtices, including himſelf, were divided in their opinion, and the ſide he gave his vote on, prevailed on ſuch diviſion. This is the only inſtitution of the kind which has ever been in the country or in England. The planters were to remain in quiet poſſeſſion of their lands; and commiſſioners were appointed to hear and decide on the claims within the juriſdiction. Edward Ruſhworth, who had long been

been recorder in the Province of Maine, was ordered to give up the records in his poſſeſſion.

There were courts held at Falmouth, under the authority of the government, but the Maſſachuſetts charged the commiſſioners with fomenting diſorders in the eaſtern parts, and had influence enough with the people, to prevent a court from being held by their authority further weſt than Caſco.

The courts at Saco and York, ſtill claimed juriſdiction on the eaſt of Kenebeck River.

The principal influence of the duke's government, was at Sheepſcott, and Pemaquid. What is now called Newcaſtle, anciently Sheepſcotte, was, under that government, called Cornwall, in the county of New Caſtle: all the lands there, were bought of the Indians by John Maſon; but governour Dungan, who was governour of New York, as well as of the eaſtern country, granted a great part of the territory over again. The deeds ſerve to ſhew the nature of the government under which the ſame were made; a ſpecimen of which has been already given, under the chapter of *Grants of Land by Europeans*

There is a myſtery in the proceedings of this government, which it is impoſſible, from any documents now remaining to explain; a number of the magiſtrates who appeared at the duke of York's courts on Sheepſcott River, were inhabitants of the territory weſt of the river Kenebeck, and without the claim of his authority over Acadie. It may be conjectured, that when they appeared there to take the oath of magiſtracy, before the commiſſioners, that their appointment was for the Province of Maine only, and that they only went to Sheepſcott to be qualified.

The

The precepts iſſued by the juſtices on Sheepſcott River were confined in their direction to the officers on the eaſt ſide of Kenebeck River; and no record of any precept which was iſſued under the authority of his royal highneſs on the weſt ſide of that water is now to be found.

The governments of the New England colonies were a check and an impediment, in that early day, to the ſtrides of monarchy. The principle of an hereditary authority, is eaſily eſtabliſhed in the moment of conqueſt, over a conquered people; but the New England colonies may emphatically be ſaid to be *born free*. They were ſettled originally upon the idea, expreſſed at this day in all their forms of government, that "all men are born free, equal and independent."

There is an original writ of capias exiſting, which was iſſued under the government of the duke of York, in the territory of Acadie; it is in the words following.

"To the conſtable on the eaſtward ſide of Kenebeck River, or his deputy.

"By virtue hereof you are required in his majeſty's name, and under the authority of his highneſs the duke of York, to apprehend the body, or goods of Chriſtopher Lawſon, and to take bond of him to the value of one hundred and twenty pounds, with ſufficient ſurety or ſureties, for his perſonal appearance at a ſpecial court to be held at Arrowſike, the 27th of this preſent November, then and there to anſwer to the complaint of Edmund Dawner, for not yielding a debt due by bill, bearing date the 3d day of June, 1665. Hereof you are not to fayle, as you will anſwer it at your peril, and ſo make true return, under your hand, dated this firſt day of November, 1665. Nicholas Raynal, *Jus. Pacis.*

The

The Return. "I have attached the body of Chriſtopher Lawſon, and have taken bail for his appearance at the next court, to anſwer to the complaint of Edmund Dawner, in an action of the caſe. This is a true return, Richard Lemons, *conſtable.*"

Governour Dungan, the agent of the duke of York, removed many Dutch families from the banks of the Hudſon, to his new province on the Sheepſcott; They tarried there, until the ſettlements were broken up by the wars which were ſoon after commenced by the Savages.

The government under the duke, had never much energy or force in it, and would very ſoon have been ſubverted by the Maſſachuſetts, if the meaſures purſued in England, in order to take away the colony charter, and the hoſtilities of the natives in this country, had not prevented it.

In the year 1671, the general court of Maſſachuſetts took meaſures to aſcertain the eaſtern boundary of their colony, and Thomas Clark was appointed agent in the buſineſs. He appointed George Mountjoy to run the line. Mountjoy made his return in 1672; by which the eaſtern line comprehended the territory one mile and three quarters eaſt of Damariſcove, a part of Pemaquid, and moſt of George's Iſland. This was done to furniſh a pretext for oppoſition to the duke's government, and extended ſo as to comprehend the ſeat of it. The grant to Elbridge and Aldſworth, from the council for the affairs of New England, gave Pemaquid, whereon the patent of twelve thouſand acres was located, the reputation of being within New England. This furniſhed a ſtrong argument

ment for oppoſing the charter of Maſſachuſetts colony to the claim of the royal prerogatives over that land.

There is, and always has been, ſomething in the ſentiments of the Americans, more eſpecially with thoſe of the northern part of the country, peculiarly oppoſed to monarchy. The ſame principles which have been ſupported with ſucceſs here, have been urged in other countries, by the wiſe men, and the philoſophers; but it has ſo happened in Europe, that the body of the people have been loſt in ignorance and ſuperſtition; and have not been poſſeſſed of information ſufficient to enable them to practiſe on the doctrines inculcated. In our country, the public ſchools, the advantages of education, and the elevated hopes of enjoying the rights of freemen, have given, to public meaſures, a tone, by which thoſe of other nations have never been influenced or conducted.

The proceſs againſt the charter of Maſſachuſetts, by which it was vacated in 1686, gave that colony a permanent check, in its zealous meaſures, for the extirpation of a royal government, in the eaſtern part of New England. Beſides this, the diſtreſſes of the Indian wars, from 1675 to 1692, rendered the country of very little conſequence, either in Great Britain or in Boſton. The country was nearly broken up in 1676, and entirely deſtroyed in the year 1690. To this, it may be added, that there were reaſons to apprehend, that the country might be again ceded to the crown of France. But when the royal charter of 1692, was iſſued, the oppoſition to royalty was loſt for a while in the love of that toleration which the charter guaranteed to the people of the Province.

In

In Acadie there was another territory eaſt of the then county of New Caſtle, which was not comprehended within the duke's Province of New York. This was, perhaps, the ancient Norumbegua. It extended from Pemaquid to St. Croix, comprehending Mount Manſel or Mount Deſert, and the territory of Penobſcott. The French were, with the Indians, in poſſeſſion of that part of the continent, until they were removed after the year 1692, by Sir William Phips, the firſt governour of the Province of Maſſachuſetts, under the charter of William and Mary.

It was there, that the people of New Plymouth erected their trading houſe in 1627, which was taken by the French, was afterwards taken by the Dutch, and retaken by Sedgwick under Cromwell. There de la Tour and d'Aulney, attracted the attention of the American colonies, there the baron Caſtine taught the natives the European art of war.

When the revolution of 1688, took place in England, the eaſtern country was in a wretched ſtate of warfare, and before the year 1692 was intirely depopulated. And therefore the incorporating it with the province of Maſſachuſetts, was no real advantage to that government, otherwiſe than as the people there, wiſhed to avoid having a regal government eſtabliſhed in that part of the continent.

The government of New Plymouth, over a part of the Province of Maine, and a part of the country of Acadie, is next to be conſidered.

The council for the affairs of New England, had granted to the colony of New Plymouth, in the year 1629, a tract of land on both ſides of the river Kenebeck, extending fifteen miles on each ſide the river.

The

The limits of the patent, as has been before obſerved, were finally reſtricted to a line drawn eaſt and weſt through that part of the waters of Cobbiſſecontee, which is nigheſt to the ſea; but there is a certainty, that the original patentees conſidered the patent as lying on the ſea ſhore.

The government took poſſeſſion of the country at the mouth of the river, and erected a fort on the weſt bank of the ſame, and on the margin of the ſea, in the year 1634. In Winthrop's Journal it is mentioned, that as governour Winſlow, in that year, was walking on the wall of the fort, an Indian attempted to kill him, but was prevented by his going down before the Indian had taken his aim.

The remains of the fort, and of the houſes erected there, and a number of wells which were ſunk for the uſe of the plantation, remain there now.

In the year 1634, one Hoſkins came in a veſſel to trade in the river. The two magiſtrates of the colony of Plymouth, who reſided on the river, to ſuperintend the government, forbade him, and on his perſiſting to trade with the natives, ſent a party to cut his cables; upon their attempting to do it, he ſhot one of them, whereupon the others killed him. A kinſman of Hoſkins complained to the general court of Maſſachuſetts on the occaſion: on that complaint, the court ordered John Alden, one of the magiſtrates, who was preſent when Hoſkins was killed, and had given orders to cut the cables of his veſſel, to recognize for his appearance to anſwer for the offence; and wrote to the government of Plymouth to certify whether it would take cognizance of the matter, and do juſtice in the caſe. The man who was killed by the Plymouth people, was

at

at Kenebeck, under the licenſe of the lords Say and Brooks, and Maſſachuſetts was afraid that the outrage, if it ſhould go unpuniſhed, would draw on New England the reſentment of the king, and be an excuſe for the appointment of a general government.*

Soon after that event happened, Mr. Bradford, and Mr. Winſlow, two of the magiſtrates of Plymouth colony, with Mr. Smith the miniſter there, came to Boſton upon the affair of Hoſkins' death. It was conſidered by the paſtors, and government in Boſton, to be a ſcandal to chriſtianity, to ſhed human blood on a queſtion reſpecting the right to trade for beaver. And the magiſtrates and paſtor from Plymouth came to confer with thoſe in Boſton upon the caſe, as a caſe of conſcience. Mr. Winthrop, Mr. Cotton, and Mr. Wilſon, met them on the occaſion, and finally, after prayer, ſearching the ſcripture, and attending to all circumſtances of the caſe, they concluded, that it was excuſable, inaſmuch as Hoſkins would have killed ſome of their people, if he had not been killed himſelf. Governour Winthrop wrote letters of excuſe for them to England, and thus ended the matter.

There was a tribunal of juſtice, erected at Kenebeck, with an appeal to that of the government of Plymouth. In all things the old government treated that on the river, as a colony or province, under its own government; and an oath was exacted under pain of baniſhment, of the magiſtrates and people, who went to trade or inhabit within the patent, that they would bear true faith and allegiance to the government of the colony of New Plymouth, and that they would render a due obedience,

* Winthrop's Journal.

obedience, as well to the laws, as to the orders and decrees of the magiſtrates.*

The patent granting lands on Kenebeck, to the colony of New Plymouth, was dated in January, 1629. Livery of ſeizen was made by John Alden, the agent of the council, in the ſame year.

The government of New Plymouth was ſo remote, that its force become inadequate to the exigencies of the plantation of Kenebeck, and therefore, in the year 1649, a new meaſure was adopted, from which more efficacy was expected. The general court, on the 8th of June, appointed a committe to "let the trade at Kenebeck." The committee eaccordingly did let the ſame to William Bradford, Edward Winſlow, Thomas Prince, Thomas Willet, and William Paddy, for the term of three years. It is added, in the record of the proceedings, that theſe tenants ſhould have the trade as they had before had it, which is expreſſed in the indenture, to be for fifty pounds ſterling a year. This contract extended to the year 1652.

In the year 1652, the trade was ſold to the ſame men for three years longer: but there was a condition annexed to the indenture, which obliged the leſſees to ſtay in the country themſelves, and the trade was forfeited to the government if they ſhould leave the river. Whether the colony was alarmed by the claim of Maſſachuſetts or not, does not appear. In that year, an actual ſurvey of Maſſachuſetts' eaſt line, was made, which carried their patent no further than to Clabbord Iſlands in Caſco Bay. But John Parker had purchaſed Rouſeagan Iſland, and the land on both ſides of the mouth of Kenebeck River, in the year 1649, and Jeremyſquam,

* Old Colony Records.

myſquam, which was within the patent, if it came down to the ſea, had alſo been purchaſed of the Indian, Rogomock, by George Davie. It is very evident, that the colony was alarmed by ſuch proceedings, and found that a government within the patent was neceſſary; for in the year 1653, on the 7th of March, the general court came into theſe proceedings.

"Whereas ſundry have intrenched upon the liberties of the trade belonging to Kenebeck; and whereas alſo, letters patent have been granted, and ſent over from the honourable court of parliament, and council of ſtate; thereby giving and granting unto this juriſdiction the aforeſaid liberty of trade in the aforeſaid river with inlargement, as alſo requiring that ſuch due courſe be taken, as that the Engliſh, reſiding in ſaid river, ſhall be orderly governed and carried in a way of peace for their common good in civil government. The court taking theſe premiſes into due conſideration, did conſtitute, authoriſe, and commiſſionate, Mr. Thomas Prince, one of the honoured magiſtrates of this juriſdiction, with full and ample power to ſummon all, and every of the inhabitants, as he ſhall ſee meet, dwelling within the aforeſaid river Kenebeck, unto ſome convenient place, to receive from him ſuch inſtructions, and orders extant, which he hath received from the aforeſaid general court; full power to require their obſervance; with full power alſo to aſſemble unto himſelf, any perſon or perſons whatſoever, to be aſſiſtant unto him in the premiſes."

The inſtructions were, 1. That the people ſhould take the oath of fidelity, to the ſtate of England, and to the government of New Plymouth. 2. That "he acquaint them, with the body of laws of the govern-

ment, and that the intention was not to expect their ſtrict obſervance of every thing peculiar to ourſelves; but conſidering the diſtance of the place, we do allow them liberty to make choice of ſuch to be aſſiſtant as we ſhall approve of, for making ſuch further orders as may beſt conduce to their welfare." 3. "None were to be inhabitants there, but ſuch as ſhould take the oath of allegiance." 4. "None could vote for an aſſiſtant, but ſuch as ſhould take the oath."

The oath required, was in theſe words, "You ſhall be true and faithful to the ſtate of England, as it is now eſtabliſhed, and whereas you chuſe at preſent to reſide within the government of New Plymouth, you ſhall not do, or cauſe to be done, any act, or acts, directly or indirectly, by land or by water, that ſhall, or may tend to the deſtruction or overthrow of the whole or part of this government, that ſhall be ordered, erected or eſtabliſhed; but ſhall contrarywiſe, hinder, oppoſe, or diſcover ſuch intents and purpoſes, as tend thereunto, to thoſe that are in place for the time being; that government may be informed thereof with all convenient ſpeed; you ſhall alſo ſubmit, and obſerve all ſuch good and wholeſome laws, ordinances and officers as are, or ſhall be eſtabliſhed within the ſeveral limits thereof, ſo help you God, who is the God of truth, and the puniſher of falſehood."

In May, in the year 1654, Thomas Purchaſe, John Stone, Thomas Aſhly, John Richards, James Smith, William James, Thomas Parker, John White, John Brown, William Davis, Thomas Webber, Thomas Atkins, James Cole, John Parker, Emanuel Hughs, and Alexander Thaways, took the oath of allegiance to the government. After being thus qualified they made

choice

choice of Thomas Purchaſe as an aſſiſtant and John Aſhly for conſtable.

Purchaſe lived near the head of Stevens' River, in what is called New Meadows, within the town of Brunſwick, and had obtained a deed from the Indians of what is called the Pejepſcott claim, on the river Androſcoggin. John Parker had obtained a deed of the land whereon he lived, at the mouth of Kenebeck. How thoſe men could take the oath without ſurrendering their title is not eaſy to determine, but ſome compromiſe was then had, by which the government was made eaſy; and the juriſdiction being ſoon after abandoned, the patent ſold, and Indian conveyances countenanced, the deſcendants of theſe men held by their Indian deeds.

There very ſoon aroſe an uneaſineſs in the colony of New Plymouth, reſpecting the ſelling the trade on the Kenebeck River. The people had poſſeſſed high expectations, with regard to the profits which might ariſe, as well from an excluſive right to trade with the Savages, as from the fiſhery there. Bradford, Winſlow, and Prince were the chief men in the colony, and had been the leſſees of the trade. There is always, in every free government, a jealouſy of men in power, and the officers, though dependant on the people, have, too frequently, by ſome part of the community, the worſt motives aſſigned for their moſt patriotic actions. This has always been produced as an objection to a popular form of government; and a late learned writer has, perhaps without intention, to prove that, which we all wiſh did not exiſt, produced a multitude of inſtances which have happened in paſt ages, and in other nations, to ſhew, that virtue, patriotiſm, and valour, have

generally, in popular governments, been rewarded by diſgrace and calumny. But if mankind were ſo perfect, as that the whole of the people could obſerve merit without feeling envy, and exalted virtue, without wiſhing to leſſen the glory of it, perhaps there would be no need of any kind of government. If good men ſuffer in a republic, they are as liable to be injured in a monarchy.

The jealouſy of the people had raiſed itſelf to ſuch a pitch, againſt Bradford, Prince, and the aſſiſtants, that in the year 1655, a ſpecial warrant was iſſued to every town in the colony, requiring them to ſend their minds to a general court, to be held on the fifth day of March in the ſame year, "to treat and conclude about the letting of the trade in Kenebeck." The trade was that year ſet at thirty five pounds per annum, "to be paid in money, or mooſe, or beaver, at the current price." The leaſe was for ſeven years, and the rent to be paid half yearly, during which term Bradford, Prince, and Willet, the leſſees, were, "to improve the trade to the beſt advantage to themſelves and the country."

"It was further agreed by the parties above expreſſed, that notice ſhould then be forthwith given to the ſeveral towns, that in caſe they or any of them ſhould diſlike what was done as aboveſaid, they ſhould ſend in their diſlike thereof in fourteen days after this court."

There does not appear to have been any objection made to the contract; but the next court exhibited tranſactions which fully evinced the uneaſineſs and diſappointment which prevailed. In July, 1655, a committee, was appointed, conſiſting of "Joſias Winſlow, ſen. Joſias Winſlow, jun. Mr. Hinckley, and Robert Stutſon,

Stutſon, to meet with the magiſtrates, to treat with them about letting the trade of Kenebeck, and about regulating the diſorder of the government there; and alſo to take the accounts of the treaſurer, and Mr. Paddy, in behalf of the country, and alſo to take order for the ſecuring the country's powder, and to take order for mending of Jones' River bridge, in behalf of the country."

This proceeding ſhews that the government, or rather the people, became diſcouraged as to improving the patent. The next year there was a vote obtained, for letting the trade at the rate it was ſet at before.

In the year 1659, their hopes ſeemed to be intirely given up, and the project of improving the colony was at an end.

On the 7th of June, in that year, Thomas Prince being governour, the following proclamation was iſſued by the governour and aſſiſtants. "Foraſmuch as we have good information, that things are in ſuch a poſture at Kenebeck, in reference to ſome troubles among the Indians, ſome of them being ſlain, ſome carried away, and thereby alſo diſcouraged, that there is a preſent deſiſting from their hunting; and ſo a ceſſation of trade, whereby ſuch as have rented the trade of the country, are ſo far diſcouraged, that they ſee, and it probably appeareth, that they will not only be diſabled for paying the expected rent; but will be likely to ſuffer great loſſes; and do alſo fear they may be forced wholly to deſiſt and to call home their eſtate there; whereby the trade may be endangered to be loſt for the future, if ſome courſe be not taken about it: The court do therefore recommend it to the ſeveral townſhips' conſideration, and deſire they would

depute ſome in whom they can truſt, to ſignify their minds at the ſittings of the general court in October next, and to impower them to act on the premiſes."

At the court in October, 1659, the deputies agreed to let the trade at ten pounds, for that and the next year, and the reaſon given for reducing the rent, was the troubles among the Indians. The contract was in theſe words. "That the rent of the ſaid trade for the year 1659, fully complete, on the firſt day of November, ſhall be ten pounds." And they were to leave "ſaid Kenebeck trade, free without engagement, unto the countries diſpoſe as they ſhould think meet; not leaving above five hundred ſkins in debts to be required of the Indians."

What the uneaſineſs was among the Indians, at that period, which urged the colony to theſe meaſures, is unknown. There is no hiſtorian who has given in an account of a war with the natives in that part of the country, before 1675. Hubbard relates, that on an apprehenſion of an intention in the Savages, to commit hoſtilities, about the year 1665, it was agreed by them, and the Engliſh, who ſettled under Aldſworth's Patent, that a court ſhould be eſtabliſhed to try the queſtion, and ſettle the diſpute.*

By the aforegoing reſolve, it appears, that the colony began to entertain thoughts of relinquiſhing the government on Kenebeck. The people did not go into the idea of eſtabliſhing plantations, but gave all their attention to the peltry trade, and and the river fiſhery.

The opinion in favour of purchaſing from the Savages had become ſo general, and had gathered ſo many advocates in its favonr, that the grants, under a government

* Hubbard's Hiſtory.

government involved in an unhappy civil war, did not engage the body of the people, as ſupporters. The attempt of an excluſive right to trade, was alike diſguſting to the Savages and the white people; for there never was an inſtance, where ſuch right was exerciſed without oppreſſion. The men who became the tenants of this extraordinary privilege, were few in number, and while all the people were jealous of them, they made but little by the kind of commerce which they purſued. The queſtion of the extent of the patent was agitated, and the people without its limits did not regard the laws or regulations of the government.

In the year 1660, the towns ſent in their deputies, with full power to act reſpecting the trade on the Kenebeck, and when they were aſſembled, it was agreed, "that any former agreements, notwithſtanding, it ſhall be lawful for the governour, and his partners, *things being as they are*, to call home their eſtates and ſervants there, when they ſhall ſee cauſe; and that on the other ſide, it is alſo mutually agreed, that the country, or any that they ſhall allow of, may at preſent, or when they pleaſe, go and make ſome beginning of trade there, notwithſtanding any bargain with the partners to the contrary, and, that if five hundred pounds ſterling can be obtained for the country's intereſt there, it ſhall be ſold."

Major Southworth, Conſtant Southworth, and Comett Stutſon, were appointed a committee to ſell the patent. The record of the proceedings in this part of the buſineſs, appears to be that of the general court, but the order for ſelling is ſigned by eleven men who call themſelves a committee. The next year the patent was

ſold to Tyng, Brattle, Boies, and Winſlow for four hundred pounds ſterling.

From the ſale of the patent, to the year 1750, there were no meaſures of conſequence attempted by the aſſignees, nor did they ever attempt to exerciſe any powers of government; but the powers granted by the original charter were vacated, if not by the acts in the reigns of Charles I. and Charles II. yet the pretence of civil authority in the aſſignees, was totally overthrown by the charter of William and Mary to the Maſſachuſetts in 1692.

The territory on the weſt of Sagadahock, or Kenebeck, has been under a variety of contending powers, which muſt be conſidered all together; and in order to underſtand the changes and incidents of the governments which have taken place there, it will be neceſſary to conſider the tranſactions of all, according to the times in which they happened.

In the year 1622, the council for the affairs of New England, granted to Maſon and Gorges, the lands from the river Merrimack to the river Sagadahock; under this grant, a number of perſons were ſent over in the year 1623; but there were no regular ſettlements, of any conſequence, made before the year 1630.

In the year 1630, there was a grant of the council of Plymouth, to Dye, Smith, and others, of a tract bounded weſterly on Cape Porpoiſe, and extending eaſterly to Cape Elizabeth, and extending forty miles into the country. The patent was deſcribed as partly lying on the weſt ſide of Sagadahock, by which, no doubt, from other deſcriptions, was intended the river Saco. In the year 1631, there was a veſſel fitted out with ten planters, which arrived at the river in July; but

they

they did not like the place, and went to Boſton, and from thence to Watertown.*

The land on the weſt ſide of Saco, is very unpromiſing, rocky and hard, and it cannot be wondered at, that people coming from England ſhould be diſcouraged. The patent granted to Dye, Smith, and others, was taken with an intention to purſue the buſineſs of agriculture, in ſome meaſure, as well as of trade and the fiſhery. The veſſel which came over in 1631, was only ſixty tons burden, and drew ten feet of water; ſhe was called the Plough. The idea of agriculture was treated with contempt, by ſome of the adventurers of the day, and the patent was, by way of ridicule, called the Plough Patent.

Gorges had a government, or an authority, in the year 1636; one Bradbury in that year ſold five hundred acres of land to John Johnſon. This deed appears to be made by Thomas Bradbury, as agent to Sir Ferdinando.

The government had no efficacy, and the idea of a general government over the twelve diſtricts of New England, cauſed the ſmall ſhare of authority which had exiſted, to leſſen exceedingly; but as the new general government was to be founded upon a vacation of the charters, and as the ſame danger comprehended and embraced all the charters of corporations in England, there was great oppoſition to the meaſure, and the royal court found it impoſſible to carry thoſe plans into execution.

The people being in diſtreſs for the benefits of a government, entered into combinations for civil ſocieties in ſeveral parts of the country. There was one on the north

* Winthrop's Journal.

north ſide of Piſcataqua, river, including the plantations of Piſcataqua, now Kittery, and Accomenticus, now York.*

Mr. Neal had been ſent in the year 1630, by Gorges and Maſon, to be their governour at Piſcataqua: he granted a great quantity of land, in what is now Kittery, but returned to England in the year 1635; and there was no government after that, but what aroſe from the voluntary and inefficient agreements of the people.

The people on Saco River, who had ſettled on the patents of Vines and Oldham, Lewis and Benython, and in Scarborough on the grants to Joſſylyn and Cammock, came into ſimilar aſſociations. In the year 1636, there was a court held at Saco, at the houſe of John Benython, which was on the eaſt ſide of Saco River. Several perſons were fined for drunkenneſs, and others puniſhed for other immoralities.† The court was ſaid by the records to be holden under the authority of the province of Lygonia, which was, no doubt, the government of the Plough Patent. Theſe courts were continued until the year 1640; but this government was weakened by the attempt of a general government: though the intended diviſion of New England into twelve provinces, would, if effected, overthrow the civil authority, granted by the charters of James I. yet the titles to the lands would remain untouched. The proprietors of the Plough Patent, or the government of Lygonia, appear to have been diſcouraged until the year 1643, when the province of Lygonia was ſold to Alexander Rigby, who ſent his agent over, as will be related hereafter.

The

* Belknap. † York Records.

The want of civil authority within the territory, naturally introduced vagabonds, lewd and diſorderly perſons, and thoſe who fled from the claims of juſtice.

Gorges finding that his plan for one general government over twelve diſtricts, could not be carried into execution, and finding that his province would ſoon come to deſtruction, procured a charter ſeparate from that which he had jointly obtained with Maſon, and which is in the Appendix.

King Charles, in that patent, gave to Gorges, more and greater powers, than had ever been granted by a ſovereign to a ſubject. He enjoined little elſe in particular, than an eſtabliſhment of the Epiſcopal religion. The officers whom Gorges appointed by his commiſſion, of the tenth of March 1639, was, Thomas Gorges, Eſq. who lived at Accomenticus, Richard Vines of Saco, Henry Joſſylyn of Black Point, Francis Champernoon of Piſcataqua, now Kittery, Richard Benython of Saco, who was his nephew, William Hook of York, and Edward Godfrey of Kittery. Theſe men were counſellors for the due execution of the government, according to an ordinance annexed to the authority delegated in the commiſſion.

The territory was then called the Province of Mayne, by way of a compliment to the queen of Charles I. who was a daughter of France, and owned as her private eſtate, a province there, called the Province of Meyne, now called the Province of Maine. But ſince the general government has made our territory a diſtrict, it has loſt one of the letters which formerly was uſed, and is now called Main. The commiſſion and ordinance is in the Appendix.

The

The commiſſioners under Gorges immediately put the government into exerciſe; and the people on the weſt ſide of the territory readily ſubmitted to the force of it.

The firſt general court was held at Saco, in June 1640; at which ſeveral officers were ſworn, and the government appeared to be completely organized. John Winter, has been mentioned as the agent of Mr. Trelawney; he was indicted at this court for extortion. This idea was taken from the Maſſachuſetts colony, wherein the laws made it criminal to take more than five per cent. advance in trade: that kind of prohibitory proviſion, however unſuitable it may appear, in a day when commerce has arrived at maturity, and become a general buſineſs, was neceſſary to the infancy of the country.

The proceedings in this court, as preſerved in the records of the county of York, appear to be very regular. The inhabitants of Accomenticus appeared, and claimed ſome privileges, and ſpoke of grievances, but the only trouble which moved their exertions, was the courts being carried to Saco, inſtead of being held at York.

The courts were kept up in uſual form until the year 1646. In the firſt court held at Saco, there were a number of officers appointed; amongſt the others, Robert Sankey was appointed provoſt marſhal; Nicholas Froſt, conſtable of Piſcataqua, Michael Mitten, conſtable of Caſco, John Wilkens conſtable of Black Point.

At this court in 1640, the people of Piſcataqua, now Kittery, petitioned to be relieved of the burden of going to Saco to court; and it was ordered that they might

might attend at Accomenticus, and that they ſhould not be compelled to go to Saco. But it was neceſſary to have a court at Saco, as an exerciſe of Gorges' government in oppoſition to another under the Plough Patent. There was a court holden at Accomenticus in September 1641, when George Burdet, who had fled from Exeter, and had reſided at Accomenticus, in the character of a preacher, was, on a charge of adultery with the wife of one Purington, found guilty, and fined ten pounds ſterling.

In 1645, there was a court at Saco, in which John Trelawney, who then was of Piſcataqua, impleaded John Winter in an action of account, reſpecting the fiſhery at Richmond's Iſland. The cauſe perhaps was not finiſhed until Winter died, which happened ſoon after.

There were ſeveral other trials of a criminal, as well as of a civil nature, the deſcription of which might be amuſing at this day, but the public cannot have much intereſt in the relation of the crimes or the forms of proceſs, by which the perpetrators were brought to puniſhment.

We may now return to the government of Lygonia. We have mentioned the patent made by the council for the affairs of New England, to Dye, Smith, and others, in the year 1629; and that a veſſel called the Plough, brought over ten perſons for ſettlers thereon, in the year 1631, who declined ſettling, and went to Boſton, and from thence to Watertown. We have alſo mentioned, that patent under the head of *European Grants;* and in the deſcription of Arundle have taken notice of ſundry grants of land ſold by George Cleaves, as agent to Sir Alexander Rigby.

Governour

Governour Hutchinſon has confounded Lygonia with the Province of Maine; but had he reviſed his hiſtory, he might, in ſome meaſure, have diſtinguiſhed the two governments. The confuſion has ariſen from not underſtanding, that any other river beſides that of Kenebeck, was called Sagadahock. The grant to Vines and Oldham, where Biddeford now is, was of lands on the weſt ſide of Sagadahock; and the lands to Benython and Lewis, was on the eaſt ſide of the ſame river; but the patent is well known at this day, and is in Pepperelborough, and Scarborough, on the eaſt ſide of Saco River. From theſe facts it clearly follows, that the council for the affairs of New England, called the river, which we call Saco, by the name of Swagadahock. The plantation on the banks of this river was called Saco, at an early period, and the ancient name of the river, was at length loſt in the name of the ſettlements on its banks.

The grant of the province of Lygonia to John Dye, John Smith, Bryan Brincks, and others, is of "two iſlands in the river Sagadahock, near the ſouth ſide thereof, about three ſcore miles from the ſeas, being under the 43d and 44th degrees of northern latitude." There are no ſuch iſlands in any river of the Province of Maine, or in the country of Acadie.

The tract of land of forty miles ſquare, of which the province of Lygonia was to conſiſt, is to "extend ſouth of the river Sagadahock to Cape Porpoiſe." As that cape is on the ſouth ſide of Saco River, there can be no need of a further ſearch for the river. The patent was to extend eaſt on the ſea forty miles, to Cape Elizabeth, including the two capes; which will give between thirty and forty miles on the ſea coaſt, and might

in

in thoſe days be conſidered as full forty miles in extent; for indeed the people in England were very ignorant of the geography of the country.

The acts of poſſeſſion done, the grants made under the province of Lygonia, the claims ſupported, and the acts of its government, prove beyond a controverſy, that the province extended from the weſt ſide of Cape Porpoiſe, to the eaſt ſide of Cape Elizabeth, and forty miles back from the ſea.

An ancient manuſcript found in governour Hutchinſon's collection of papers, and which it is probable led him to confound Lygonia with Gorges' patent, mentions, that in the year 1630, Bryan Brincks, John Smith, and others, went into New England, and ſettled themſelves in Caſco Bay, near unto the ſouth ſide of the river Sagadahock, and laid out ſeveral ſums of money there, made laws, and conſtitutions, &c. for the governing ſaid province. In the year 1630, the colony of New Plymouth was in the poſſeſſion of the lands on the ſouth ſide of the Kenebeck, and the name of Smith or Dye, was not known there, or at Caſco; but there has ever been people of the name of Smith and Dyer, on the ſouth ſide of Saco River.

This appears to be an Engliſh manuſcript, from the mode of expreſſion, "Bryan Brincks, John Smith, and others, went into New England." This may probably be the ſame company which governour Winthrop mentions in his Journal, to have come in the year 1631, in the veſſel of ſixty tons called the Plough, and Smith and Dyer, might have tarried in the province, and the others have come to Boſton. There never was any perſon by the name of Brincks, inhabiting within the Diſtrict.

The

The ſeventh of April 1643, Dye, Smith, and others, the ſurvivors of Bryan Brincks, and others, granted the province of Lygonia to Alexander Rigby, of the county of Laneſter, Eſq. in fee ſimple, and delivered him the patents and the deeds of conveyance.

Governour Winthrop gives us this account of Rigby's character. "One Mr. Rigby, a lawyer and a parliament man, wealthy and religious, had purchaſed the Plough Patent, lying at Sagadahock, and had given commiſſion to one Mr. Cleaves, as his deputy to govern the people there."

Cleaves came over, and landed at Boſton in the year 1643, and being apprehenſive that he ſhould meet with oppoſition from the governour and council of Gorges, applied to the general court of Maſſachuſetts for aid and ſupport. This he expected to ſucceed in, becauſe Rigby, his principal, was on the ſide of the parliament, againſt the monarch Charles I. to whom Gorges was devoted. He could not prevail on the general court at that critical moment, to aid him, but the governour wrote to the men in power, in his own name. Thus the colony took care not to offend the royal party by taking a ſide with the others, nor did they offend the republicans by refuſing their aid to Rigby, who was much reſpected. The letter of the governour did not avail any thing in Cleaves' favour, for when he arrived at Caſco, and proclaimed his commiſſion as deputy governour of the province of Lygonia, Richard Vines,* and the other gentlemen of Gorges' government, which clearly, by its deſcription, comprehended, the whole of Lygonia, called a court at Saco, in oppoſition to the one

* This agent is called Umes, in Hubbard's hiſtory, but this muſt be an error of the Preſs.

one called at Caſco by Cleaves. The Province of Lygonia had been granted by the council for the affairs of New England, under the charter of James I. but Charles had recalled his father's charters in the year 1635, and as Gorges expreſſes it, in his ſecond commiſſion, iſſued in the year 1640, had taken all the governments into his royal direction, and had, in 1639, granted to Gorges the Province of Maine, which included Lygonia. The parliament contended, that this was an undue exerciſe of the royal prerogative, and void in itſelf. And the royal party contended in favour of the meaſure, as good and legal, becauſe that king James was deceived in his grant.

Upon this queſtion, the people were divided, not upon any principles of legal reaſoning, but on ideas reſulting altogether from political conſiderations, and the affections of party. The republicans determined to adhere to, and ſupport Mr. Cleaves, and the royaliſts were in ſupport of Gorges. The party who ſupported Cleaves, knew that Maſſachuſetts was on their ſide, and therefore offered to ſubmit the conteſt to the deciſion of that government for the preſent. Of this offer one Tucker was made the bearer; but when he had arrived from Caſco to Saco, Vines and his party threw him into priſon, but finally took bonds for his appearance at Saco court, and for his good behaviour.

Cleaves had finally, only thirty perſons who ſupported him: with them he made application to the magiſtrates of Maſſachuſetts, offering his government as one of the conſociation of the united colonies, and praying to be aſſiſted againſt Vines and his party. Vines was ſteward of Gorges' government, and probably, as Thomas Gorges had then gone to England, was preſi-

dent of magiſtrates ; but his government was not aſſociated with the united colonies. Had the magiſtrates of Maſſachuſetts, taken a part either way, they might have drawn the vengeance of the prevailing party upon them ; they therefore anſwered Cleaves, that they could not, by the exiſting confederation, receive ſuch as were in the church of England communion ; and thus Rigby's government was excluded, though he was of the republican party in England.

Soon after this, Vines came to Boſton himſelf, to make friends of the magiſtrates there ;* but as they had then conceived an idea of extending their patent over the whole of the territory of the contending parties, this furniſhed an additional reaſon for their preſerving a neutrality.

The people of Kittery, York, and Wells, had nothing to do with the controverſy, as they were clearly without the Province of Lygonia. Cleaves had therefore, in Saco, Cape Porpoiſe, and Black Point, only a party equal in number to that which ſupported Vines.

There are records remaining, by which this controverſy can be accurately traced to its end and concluſion : the ſucceſs of the contending parties in England, gave a tone to theſe petty governments. When the royal party prevailed, Gorges' province gained ſtrength, and as the parliament obtained ſucceſs, Rigby's government gained reſpectability.

There was a controverſy between Gorges and Rigby, in the year 1646, reſpecting their provinces of Lygonia and Maine, and upon a hearing before the earl of Warwick, and the other commiſſioners, appointed by parliament, for ſettling the affairs of foreign plantations,

* Winthrop's Journal.

plantations, who heard the parties and reported that, "the ſaid Rigby is the rightful owner and proprietor of the inheritance, and fee ſimple, of the ſaid tract or Province of Lygonia, by virtue of the deeds and conveyances, &c. whereby the planting, ruling, ordering, and governing of the ſaid tract or Province of Lygonia, is ſettled, the ſame being a territory, or tract of land, containing forty miles in length, and forty miles in breadth, lying on the ſouth weſt ſide of the river *Sagadahock*, and adjoining unto the great ocean, or ſea called *Mare del Nort;* and further the ſaid committee do order all the inhabitants of the ſaid province, to yield obedience to the ſaid conſtitution, of the ſaid province, and that upon reſiſtance of the inhabitants, the governour of Maſſachuſetts province ſhall aſſiſt the officers appointed by the ſaid Alexander Rigby."*

Cleaves himſelf was an equivocal character, and acted with great duplicity. He obtained a letter of agency from Sir Ferdinando Gorges, acted as deputy governour to both, and ſold lands under the title of each, as appears from the regiſtry of the deeds which he executed. In his deed to one Tuckerman, he calls Caſco in the Province of New Sommerſett. There was an early miſtake in calling the Province of Maine New Sommerſett, which was the county, not the provincial name of the territory.

Sir Ferdinando Gorges' intereſt ſunk commenſurately with the fall of the royal prerogative, and Rigby's government increaſed in power proportionably to the fall of that of his rival. The claim of Maſſachuſetts, was extended as far as Cape Porpoiſe, as early as the year 1643; and the republican party in the Province of

* Ancient Britiſh Manuſcript.

Maine, who were within that line, ſupported the claim. The colony of Maſſachuſetts finally prevailed over the whole territory, and quieted the proprietors and ſettlers in their titles under both the provinces, which were ſwallowed up by the extenſion of the charter. The Maſſachuſetts gathered all the records of the judicial proceedings of both provinces into one place, under the care of Edward Ruſhworth, the recorder. From this circumſtance, there appears a mixture of records, under the Province of Maine, and under that of Lygonia. Gorges and Rigby, died about the year 1650, and the government of the latter continued after that of the former was diſſolved. One of the laſt acts recorded in the tranſactions of Lygonia, is the ſuit of Robert Jordan, adminiſtrator of the eſtate of John Winter, againſt John Trelawney. In this ſuit Jordan addreſſed his petition in the year 1648, to a court holden at Saco, within and for the Province of Lygonia, under the right honourable Sir Alexander Rigby, preſident of the ſaid Province of Lygonia; and finally obtained judgment, and by an execution ſequeſtered the whole of the patent which Rigby had made to Trelawney; that land was in Caſco, Spurwink, and Cape Elizabeth, and is now a great part of it holden under the extenſion of that execution. Theſe, and a great number of other judicial proceedings, the records of which remain entire, prove that the Province of Maine, and the Province of Lygonia, though the latter was within the bounds of the former, were different provinces, owned by different proprietors; and that there was a long contention between the governours, the juriſdictions, and proprietors.

After Rigby died, Cleaves proved very unfaithful to the intereſt of an heir, who was not able to manage his

own

own concerns. Edward Rigby, the heir of Sir Alexander, took no methods to maintain his government, nor was there any thing done by him, or ſaid concerning him, until the year 1652, at which time he addreſſed a letter to a number of gentlemen who lived within the patent. The letter will exhibit the deplorable ſituation of the expiring government of Lygonia, and therefore it is inſerted.

"To Mr. Henry Jocleing, Mr. Robert Jordan, Mr. Arthur Macworth, Mr. Thos. Williams, as alſo to Robert Booth, Morgan Howel, John Wadleigh, Jonas Balley, Thos. Morris, Hugh Moſeer and to all others whom theſe may concern theſe preſent in Lygonia.

Gentlemen, it having pleaſed the great Diſpoſer of all things to call out of this troubleſome world my dear father, and by this means to entitle me to the preſidentſhip of the Province of Lygonia, and being made acquainted by my father's late deputy preſident, of ſeveral miſcarriages and illegal proceedings, which have been acted and done within my province by your inſtigations and advice, I have thought neceſſary at this time to acquaint you, that I diſreliſh your actions and ſhall not ſit down with the wrongs and abuſes offered to our authority, without a particular and real ſubmiſſion; and to that end I do require and command both yourſelves and the reſt that were by commiſſion from my father the publick officers of the province, to deſiſt acting any thing virtute officii, yours and your commiſſioners being determined by my father's death, until you hear further from me, which I aſſure you, ſhall be with all poſſible ſpeed. Truly gentlemen, I am ſorry to hear that notwithſtanding my father's indulgence towards moſt of yourſelves, in particular, you ſhould ſtill act ſo

directly againſt him and his intereſt, as you do; but I once again aſſure you if upon the receipt of this, you do not deſiſt from your private and ſecret combinations and practices and joyn unanimouſly with me, my deputy and other officers, for the peace and quiet of the province, I ſhall take ſuch courſe as ſhall not only force a ſubmiſſion, but alſo a reparation for all your miſs deeds. I ſhall not at preſent, numerate or particular your miſs deeds, and illegal proceedings, nor diſpute with you about them, only obſerve this to you, that I conceive all acts done, either by the deputy preſident, the ſix aſſiſtants, the judges or any other officer whatſoever which had commiſſion from my father, ſince his death, which was in Auguſt 1650, are void by reaſon their commiſſion ended with his death. I am not ignorant of ſome complaints formerly made to my father by ſome of yourſelves and others, and deſire that you will be confident, that I ſhall ſtrive to do equal juſtice in all things, according to my office and duty: and to the end, that equal juſtice may be done to all men, I ſhall, with all convenient ſpeed, not only ſend back Mr. Cleeve, but a near kinſman of my owne, with inſtructions and commiſſions to ſuch as I ſhall conceive fitting, not doubting but that upon the receipt hereof you will deſiſt from your former illegal proceedings and joyn with ſuch as I ſhall commiſſionate. The reſt is the reſpects of him that is you real friend if yourſelves be not your enemies. Edw. Rigby.*"

Soon after this letter was ſent, Charles II. was reſtored to the throne, and of conſequence, the influence of Sir Alexander Rigby's heir, was at an end. For none of the families of the members of the old republican

* York County Records.

lican party dared to appear before the throne, either to demand juſtice or to aſk for favours. In the year 1710, there appeared one of Rigby's heirs, as a claimant, but the land there was the property of Maſſachuſetts, by a purchaſe from Gorges' heir, and the claim was not attended to.

Thus ended the plough patent, or the Province of Lygonia. When the plan was revived of making a general government over twelve provinces, of which the duke of York was viceroy, no notice is taken of the Province of Lygonia; and in the charter of William and Mary, in 1692, it was comprehended within the Province of Maine, but not mentioned. Uſher, in the year 1674, purchaſed Gorges' province for Maſſachuſetts, which led that government to conſider the claim of Rigby's heirs as a nullity. One Tumey was appointed as agent for the heir, in 1710, but he did not effect any thing; all the intereſt in the country was combined againſt the title, which was, in the year 1646, ſo ſolemnly ſettled and eſtabliſhed by a committee of parliament.

When the deciſion was had, in March, 1646, by the commiſſioners of parliament, on the controverſy between Gorges and Rigby, reſpecting their ſeveral provinces, and that of Lygonia was eſtabliſhed, Gorges had nothing left him, excepting Kittery, York, Berwick, and Wells. Several of the council he had appointed, were within Rigby's government, and were obliged to profeſs fealty and ſubmiſſion to that. The cauſe in which Gorges had engaged in England was evidently ſinking, and within two years after was intirely ruined. Sir Ferdinando was taken priſoner, and died before the reſtoration; and there was no repreſentative

of him, who would head the government, which he had eſtabliſhed in his province.

The people being left without a government in that part of the country, which was on the weſt ſide of Lygonia, again formed a civil combination for their defence and ſafety.

Edward Godfrey was choſen governour, Richard Leaders, Nicholas Shapleigh, Thomas Withere, and Edward Riſtworth, aſſiſtants, or counſellors. Ruſhworth was ſecretary or recorder. The government of Lygonia was alſo loſing its efficacy, and each inhabitant made rules for his own conduct. There was a general court held in Wells in 1646; which was under the authority of Gorges, and theſe courts continued to be held at York and Wells, until the death of Charles I. In the year 1649, the combination for an independent government took place by an aſſociation of the inhabitants of Piſcataqua, Gorgiana, and Wells. The general court was held at Gorgiana in July, 1649. The name of Kittery had been given to Piſcataqua plantation, in 1647; and York had been incorporated by Sir Ferdinado Gorges, as a city, in the year 1642.

In the courts held under Gorges and Rigby in their ſeveral governments, there was no partition of the judicial and legiſlative powers; but the general courts made laws, and tried caſes, and by their own members cauſed their ſentences to be executed. The ſame method prevailed, when theſe governments had loſt their power, and the people had entered into aſſociations for civil purpoſes. The records are filled with curious caſes, and more curious laws, whimſically arranged in the books. On the ſame page perhaps, will be found, a law for the encouragement of killing wolves, and another for the baptiſm of children. Civil actions and

criminal

criminal decided by the general court, and all done in a ſtile and manner, which may ſerve to excite ridicule, but can have no tendency to inſtruct the reader, or to give valuable information to poſterity.

In the laſt combination, the Provinces of Maine and Lygonia were blended, but divided into two diſtricts, for judicial purpoſes. The weſt diviſion extended as far eaſt as Arundle, which had been the weſt ſide of Lygonia government.

The people, however, were divided and contentious. Their lives and properties were rendered inſecure, and they ſeverely felt the neceſſity of a ſteady government. Many of them were convinced, that they never could obtain ſo valuable a bleſſing without a foreign controling power. The inhabitants had ſeen ſo many changes of government, and had found each one ſo weak and contemptible, that they had loſt all reverence and reſpect for civil authority and for their magiſtrates. The Epiſcopalian party dreaded the tyranny of Maſſachuſetts Puritaniſm, and knew that the colony claimed the country as far as Rigby's patent. Jocelyn, Benython, and Vines, though they had ſubmitted to Rigby's government, ſtill wiſhed to keep ſeparate from Maſſachuſetts; and having never had a ſincere regard for Lygonia, but having ſome of them been in authority, under Edward Rigby, they wiſhed to get the province to themſelves, that they might plunder it as they pleaſed. Cleaves, who had removed to Wells, procured a petition to the parliament, in 1651, in which a part of the people in Kittery, Gorgiana, and Wells, united for the parliament to acknowledge that part of the country as a ſeparate colony. The petition was as follows.

"To

"To the right honourable, the counſell of ſtate, appointed by parliament. The humble remonſtrance and petition of the general court aſſembled in and for the Province of Mayne, in New England, 5 December, 1651. Whereas the parliament have declared, by an act of the 3d of October, 1650, that the iſlands, and other places in America, where any Engliſh are planted, are, and ought to be ſubject to, and dependent upon England, and hath ever ſince the planting thereof been, and ought to be ſubject to ſuch laws, orders, and regulations as are, and ſhall be made by the parliament of England, and foraſmuch as we take ourſelves to be members of that grand body, thinking it our greateſt honour and ſafety ſo to be, freely, and willingly ſubjecting ourſelves unto the preſent government as it is now eſtabliſhed without a king or houſe of lords, and therefore we begg the benefit of the common ſafety, and protection of our nation and humbly crave leave to preſent unto your honours our remonſtrance and petition as followeth. Humbly ſheweth, that whereas divers of the inhabitants of this province, by virtue of ſundry patents and otherwiſe, have this twenty years engaged our lives, eſtates, and induſtry here, and regulated under the power of Sir Ferdinando Gorges, who had theſe parts aſſigned him for a province; now he being dead, and his ſon, by his great loſſes, here ſuſtained, hath taken no order for our regement, and the moſt of the commiſſioners dead and departed the province, we were forced and neceſſitated to joyne ourſelves together by way combination, to govern and rule according to the laws of England. Our humble requeſt unto your honours, therefore, is to confirm our ſaid power and authority for our better regement, by pow-

er

er from yourſelves, that you would be pleaſed to declare us members of the commonwealth of England, and that we and our poſterities may enjoy our immunities and priviledges as free born Engliſhmen, together with the continuation of ſuch other rights as we enjoy as planters, as alſo equal ſhare of your favours beſtowed on the colonies in theſe parts—Per me Ed. Godfrey, Gov. in the behalf of the general court, vera copia.*"

There were a great number of the people uneaſy at this procedure, which was at firſt a ſecret tranſaction. A general court was called on the alarm, and depoſitions, as appears by the records, were directed to be taken, in order to prove, that Cleaves was the principal in the buſineſs. The colony of Maſſachuſetts immediately claimed the juriſdiction, and had intereſt enough with the parliament to prevent an interference. It was well known, and no doubt ſtrongly repreſented, that this petition, however reſpectfully it might be worded, was originated by the adherents to the royal cauſe, and it was as well known, that the government of Maſſachuſetts was devoted, from principles of religion and politicks, to the parliament ſide of the queſtion, and therefore, there was no attention paid to the petition.

As ſoon as the people in the Province of Maine, had been defeated in their attempt to gain the attention of parliament, as a government, the colony of Maſſachuſetts became determined to ſubjugate the colony. This they conſidered as neceſſary for divers reaſons, ſome of which had, and ought to have had great weight and conſideration: amongſt which, was that of preventing the

* Records at York.

the natives from learning the uſe of arms. There had been great reaſon to apprehend an attack of the Savages, from the firſt ſettlement of the country, and perhaps nothing but their total ignorance of the uſe of thoſe engines of deſtruction, and the dread of thoſe novel impliments of death, (which they found in the hands of their viſitors) prevented their making an early aſſault on the people, whom they could not but conſider as intruding ſtrangers. It was an object of the firſt importance, to continue the Indians in the ſame ſtate of ignorance in that reſpect; but if there was no government, rule, or order, in the Provinces of Maine, and Lygonia, the people there, and all ſtrangers, who ſhould viſit the country for the purpoſes of trade, could furniſh the natives with the means of extirpating the white people entirely.

To demand ſubjection without pretence of right, would be quite inconſiſtent with their profeſſion, and perhaps could not be juſtified by the exigencies which then exiſted; but in the year 1652, a committee was appointed to find the northern boundary of the patent of Maſſachuſetts. The Indians ſaid, that the northerly part of the outlet of Winnepſeogee Pond, was the northerly part of the river Merrimack. The place or point, three miles to the northward of that, was in the latitude of forty three degrees, forty three minutes, and twelve ſeconds, and an iſland in Caſco Bay, three miles eaſt of where Portland now is, was found to be in the ſame degrees, minutes, and ſeconds. This gave Maſſachuſetts the whole of New Hampſhire, the greater part of Maine, and all Lygonia.

This point being thus eſtabliſhed, the general court at Boſton, came into a reſolution, to aſſert their claim,

and

and to demand the ſubmiſſion of the people; but Rigby's patent of Lygonia appeared to be more reſpectable, as well from the then late deciſion of the committee of parliament, as from the republican principles, and popular influence of its late owner, and the court did not, therefore, incline to attack both at once.

Godfrey, as governour, and Leader as aſſiſtant, were by the combined voice of the people in poſſeſſion of all that remained of Gorges' government, and the weſt of Lygonia. This conſiſted of Kittery, which included what is now the town of that name, and Berwick, of York, then called Gorgiana, and of Wells. The town of Kittery had been called Piſcataqua, until 1647, when the name was altered by Godfrey, Leader, and their party.

There were a great number of meſſages, propoſals, and conferences, on the ſubject of a ſubmiſſion, but all were rejected, and nothing deciſive done until April 1652, and as it appears by ſome memorandums, before the line was aſcertained on the ſea coaſt: though it is probable that the ſame was ſettled by a ſurvey, previous to the one had by Clark and others, but was not accepted and recorded until a ſecond obſervation was made.

The letter was recorded by Godfrey, in May, and has relation to a former correſpondence on the buſineſs. The letter, inſerted at full length, taken from the records of the county of York, is as follows.

"A copy of a letter, ſent by Edward Rawſon, ſecretary from the court of the Maſſachuſetts, in anſwer to a letter ſent by Ed. Godfrey, governour of the Province of Mayne, touching the Maſſachuſetts claim of the 8th province. To the worſhipful, his much reſpected friend

Edward

Edward Godfrey, Eſq. at Accomenticus, theſe preſent. Sir, our general court, having by one Richard Leader, received a letter, dated the laſt of May 1652, ſigned by yourſelf in the name of the Province of Mayne and therein intimating your ill reſentment of our laying claim and title to the ſaid Province of Mayne, without leave from the proprietors or from thoſe to whom it belongs, which you ſay, this court intends to affect, by their patent, or line, or conſent, or all of them, &c. In anſwer whereunto, with what elſe in your letter expreſſed, I am required by our general court to return you this anſwer, that whereas you are pleaſed to write that in April, 14th of his majeſty's reign, both our patents and divers others were then queſtioned at the councill table and quere made of the validity of any patent but this of the Maſſachuſetts, and that many of our inhabitants and ſome of our agents there, ſtood mutte, but yourſelf anſwered the objections in clearing the ſhip ſtayed, as other things that conſerned the good of this country: we anſwer, firſt, that our patent only, was then queſtioned, and ſued by a quo warranto, and ſent for, yet it hath pleaſed God, ſo to order in his good Providence towards us, that it proceeded not to judgment, but the patent doth ſtill ſtand firm according to the firſt grant under the great ſeal, and ſince the moſt honourable commonwealth of England, hath owned us, our patent, and juriſdiction, whereas, the grand patent of Plymouth, as we are informed is called in, by a quo warranto, in the chief court in Weſtmiſter, and then all other patents from and under them arreſted fall through, ſubduing of lands, legal poſſeſſion are ever to be allowed and confirmed, and if our agents, and as you write ſome of our inhabitants, ſtood

mute,

mute, we believe they thought it their wiſdom ſo to do: knowing that the then counſell, had not legal power to proceed againſt the patent, and therefore they needed not, to ſpeake in it: but whereas yourſelf was pleaſed to anſwer objections, we cannot but thankfully acknowledge your kindneſs towards us; and whereas you writt that in our anſwer the 6th of September, ditto, we were then well ſatisfied to hold our owne; we ſay we are ſo ſtill, as appears by what hereafter followeth is expreſſed; for whereas you ſeem to ſet out the limits of our patent, 3 miles northeaſt of Merrimacke or Mounmacke River, at the ſide which then was known, and the river is of another denomination upwards: in anſwer whereunto, we ſay that if you had well peruſed the words of our patent, and the true ſenſe of them, we believe you would change your mind: and that no line is intended to be ſtretched by us, beyond the true intent of the patent granted to us, neither is it in our thoughts to bereave you of any of your juſt rights, immunities, or priviledges, which you ſay, you have ſo dearly bought. Furthermore, whereas you ſay, if you were under our juriſdiction, it hath been but little charity that we ſhould take ſo little care of your regement or religion, and therefore we muſt excuſe you if you be the more wary to preſerve your rights, &c. Our anſwer is, that it was ſome years after we came hither before we knew the extent of our line, the date and validity of other patents contained therein or bordering thereupon, as now we do, and therefore were ſlow to do any thing that might occaſion any claſhing therein, till all doubts in that reſpect were removed, as you cannot but obſerve in our proceedings with thoſe of Piſcataqua, ſo in regard of your

ſelves,

ſelves, though we have been long ſince ſatisfied by thoſe whom we employed to run our northerly line, that the place where you inhabit did fall within our juriſdiction: yet foraſmuch, as the people ſat down and governed by virtue of a patent, and kept good correſpondences with us and the people there, ſo far as we know, being well contented with government there eſtabliſhed, for theſe and ſome other reaſons, we contented ourſelves, with a leſs formale challenge of our right and proſecution of the ſame, yet were we not wanting to aſſiſt our right, as occaſion was given; but underſtanding of late, that you had reſiſted the patent which is now ſubmitted to us in point of juriſdiction, and incroached farther upon our limits, and that a conſiderable part of the people there, are deſireous to come under our government, we judge it hy time, now fully to claim our right; and accordingly to take order for the government of the inhabitants there; and therefore, Sir, I am required to ſignifie unto you that our court doth hereby challenge, claim, and demand our juſt right with you and over your reſpective juriſdiction, over your perſons and lands not appropriated to any under the colour of pretended right, by patent or combination, hitherto you have exerciſed; aſſuring you and every inhabitant with you, that every perſon amongſt you ſhall equally ſhare in all acts of favour and juſtice, which by virtue of government any of ours do enjoy or may expect: nor ſhall any perſon we hope, have any juſt cauſe to complain, but if ſtill notwithſtanding what hath been and is clearly demonſtrated, you ſhall not hearken unto us, nor comply in ſubmitting to us; our court doth hereby proteſt againſt any further of your actings, or proceedings, by virtue

of

of any pretended patent, or combination whatſoever; and though we are fully and clearly ſatisfied that the extent of our line runs ſo far from the northerly part of Marremack, alias Monnomacke River, as takes in not the land only, which you claim or pretend juriſdiction over, but much farther; yet for your ſatisfaction, if you deſire it, we ſhall be willing that our line ſhall again be ſtretched from 3 miles northward to the northernmoſt branch of Merremacke River, by a ſtrait line from the Eaſt to the Weſt Sea; according to the words of our patent; and this to be done by able artiſts who ſhall upon oath, make a true return thereof, and ſo you may be put out of doubt of the right of our claim and intereſt, and therefore we have for the preſent, ſent our truſty and well beloved friends, Capt. William Hawthorne, Capt. John Leverit, and Mr. Hen. Bartholomew, to impart our further minds to you, and to receive your anſwer or otherwiſe, fully to make ſuch accord with you, as may advance God's glory, promote the peace of us and yourſelves, which is equally aimed at by, Sir, your loving friends, Edward Rawſon, *Secretary*. By order of the general court. A true copy taken out of the original, ſent and ſubſcribed by Mr. Rawſon.

Godfrey, and his party, were very far from ſubmitting upon the delivery of the aforegoing letter by Rawſon; but entered their proteſt againſt the claim, propoſed by the commiſſioners from the government of Maſſachuſetts, and appeared determined to ſupport their right to a government founded on the voluntary aſſociation of the people, until the parliament ſhould interpoſe, and eſtabliſh one for them. The proteſt on the record is as follows.

" An adddreſs having been preſented to us by, and in behalf of the juriſdiction of Maſſachuſetts, that if the inhabitants here, ſhall not ſubmit unto them, they ſhall freely and quietly poſſeſs and enjoy all their lands, goods, chatells and that we ſhall enjoy equal favours in acts of government. Theſe propoſals are not, in our judgments meet, the time, places and perſons conſidered, we patiently bear them and ſubmit to be judged by thoſe whom we acknowledge to be our ſupreme judges, againſt exerciſe and juriſdiction ; we reſolve and intend to go on, till lawful power command us to the contrary, as ſubordinate and depending upon the commonwealth of England, given this 9th July, 52, Edw. Godfrey. Gov. Rich. Leader, Nico. Shapleigh, Thos. Withers, Edw. Riſhworth."

Another anſwer to this was as follows.

" 9th *July*, 52. Whereas we, Edw. Godfrey, governour, Mr. Richard Leader, Mr. Shapleigh, Thos. Withers, and Edward Riſhworth, recorders, ſworne magiſtrates for this Province of Mayne, have received a paper in the nature of a proteſt, from Capt. William Hawthorne, Capt. John Leveret, and Mr. Henry Bartholomew, intimating to us, not to produce a commiſſion one or other, to which we anſwer, that if either they or their principals did or had ſhewed us any commiſſion, or power of command from the parliament of England, or counſell of ſtate, we would readily have given them an account ; and for their words of declaration to the inhabitants of the province in general and all people, that our power appears not, and that we have no power of regement and that the tract of land and all this Province of Mayne is within the lymits of the Maſſachuſitts ; yet the truth doth and ſhall appear, that

where

where their bounds were ſet up more than 20 years paſſed, and both before and ſince, many patents granted for the peopulating and propagating the land, 35,000, hath been ſpent; a lawful juriſdiction hath been exerciſed in this place, by ſome of us acknowledged and owned by you of the Maſſachuſitts, approved and juſtified in England, and now for theſe gentlemen to come with a declaration monatory in the name only is a very injurious proceeding."

Beſides this, Godfrey ſent an explicit anſwer to the letter of Maſſachuſetts, which taken from the records at York is as follows.

"Sir, I received a letter bearing date, 12 D. M 4. 52, ſigned by yourſelf, wherein we perceive you are owned by the ſtate of England; under the covert of whoſe wings our ſafety chiefly depends. For your information of the grand patent of Plymouth, ſued to a quo warranto, it no way toucheth us. The full of other patents thereby, is but onely your conjecture, ſeeing that an act of parliament, Nov. 28, 48 doth ſeem to evince the contrary: for our peruſall of your patent, and your line; we apprehended the bounds thereof were ſet more than twenty years laſt paſt, at the ſea ſide and ſo up into the country from ſea to ſea, 3 miles on this ſide Merrimacke as all other patents were which are no leſs than tenn in number, that we perceive by the extenſion of your unknown line you now willingly labour to engraſpe: for ſubduing and clearing land a poſſeſſion is good (true) but what tract, immunities and priviledges we have is doubtful; if we part with them we may be ſhortened of as well as ſo many years paſt, you did not procure any for ſettling or procuring patents; for our limiting either a treſpaſs

upon you, or unadviſedly to gather a cracked title to our improvements and poſſeſſions, I hope muſt be as in your letter long ſince you counſelled us, left to thoſe whom it concernes to determine. If this 21 years you have been contented we ſhould govern by virtue of a patent with diſtinct acknowledgment of our lawful authority and have kept good correſpondence with us, we muſt marvel, how you ſhould now be diſcontented; of which we neither have nor (we hope) ſhall give you any juſt occation, for reſiſting any patent or encroaching upon your juriſdiction, for ſubmitting any patent to you, if you have right thereto it needed not we utterly diſowne. For a conſiderable party of the people we know of none (two perſons only excepted) who'e ill deportment, have been ſuch as the hand of juſtice hath born witneſs againſt as well amongſt yourſelves, as us; and were the number of ſuch perſons more conſiderable, it were little honour for you to proceed upon ſuch an account. For pretended juriſdiction over our perſons and lands, not appropriated as you ſay; they are appropriated to us and muſt not ſo eaſily be parted with; for ſharing your favours to us; by your favours, gentlemen, we are loath to part with our pretious liberties for unknown and uncertain favours, for hearkening to ſubmit to you and your proteſt againſt us for any farther proceedings either by patent or combination. We reſolve to exerciſe our juſt juriſdiction till it ſhall pleaſe the parliament, the common weale of England, otherwiſe to order under whoſe power and protection we are. For your ſtreight line from the Eaſt Sea, to the Weſt Sea, I marvell you go from your bounds to the inland for artiſts to meaſure your extent if occation of neceſſity require

we

we ſhall underſtand a little geografy and goſmogrify. For peace and equity we have ever aimed at and ſtill continued and will to the utmoſt of our power, endeavor the glory of God, the peace and good of the country in general, remaining Province of Mayne, Piſca. River's mouth, your loving friend.

July 9, 52. EDW. GODFREY, *governour.*"

To this letter the commiſſioners made the following reply, they being then within the territory.

"In the townſhip of Kittery in the Province of Mayne over againſt the great harbour. Whereas we William Hawthorne, John Leverett, and Henry Bartholomew, appointed commiſſioners as may appear by order from the general court of the Maſſachuſetts, bearing date, 11th June, 1652, to repair and to treat with the gentlemen of the eaſtward, in the Province of Mayne, according to which order and commiſſion, we the above named have repaired to and had ſome conference with Mr. Edward Godfrey, Richard Leader, Nicholas Shapleigh, Thomas Withere, and Edward Riſhworth, who declare themſelves to be perſons in preſent power for the ordering and managing of whatſoever might be of concernment to the people of the ſaid province, though the ſaid perſons produced no commiſſion thereunto either one or other; we therefore the above named William Hawthorne, John Leverett, and Henry Bartholomew, do hereby declare unto the inhabitants of the Province of Mayne and to all people whome theſe may concern, that there doth not appear to us any power or right of power that the ſaid Edward Godfrey, Richard Leader, Nicholas Shapleigh, Thomas Withers and Edward Riſhworth hath of regement in the ſaid province, but that the ſaid Province of Mayne and all the tract of land within the ſame, doth lye with-

in the limits of the patent of the Maſſachuſetts and ſo by grant and charter under the great ſeale of England to be under the juriſdiction thereof. Further we do declare in the name and on the behalf of the juriſdiction of the Maſſachuſetts, that all the inhabitants within the ſaid province that ſhall ſubmit thereunto, ſhall freely and quietly poſſeſs and enjoy all the lands, goods, and chattels, appertaining to and poſſeſſed by any or every of them, and that the ſaid inhabitants and every of them have right and ſhall equally ſhare in all acts of favour and juſtice, which by virtue of government, any one the inhabitants within the ſaid juriſdiction do, or may expect to enjoy, upon the premiſes recited, we the ſaid commiſſioners of the general court of the Maſſachuſetts do declare and proteſt againſt any perſon or perſons within the ſaid Province, his or their exerciſe of juriſdiction over the inhabitants within the ſame or any part thereof, after the 10th day of October, 1652, next enſuing the date hereof, without order from the general court or counſell of the Maſſachuſetts. In witneſs whereof, we have hereunto put our hands, this 9th day D. July, 1652, William Hawthorne, John Leverett, Henry Bartholomew. July 14th, 52."

The people did not ſubmit at that time, but deſpairing of having any thing done by the parliament, while Maſſachuſetts oppoſed them, ſeeing the abſolute neceſſity of a civil government, and many of them being in favour of the religious ſentiments of Maſſachuſetts, a majority of the inhabitants of Kittery, ſubmitted, the November after, as appears by a record of the tranſaction, which is in theſe words.

" November

"November 20, 1652. Whereas the town of Kittery hath acknowledged themſelves ſubject to the government of the Maſſachuſetts, in New England, as by the ſubſcription under their hands doth appear: we the comiſſioners, of the general court of the Maſſachuſetts, for the ſettling of government amongſt them, and the reſt within the bounds of their charter, northerly to the full and juſt extent of our line, have thought meet, and actually do grant, as followeth, viz.

1. That the whole tract of land beyond the river of Piſchatay, northwardly, together with the Iſle or Iſles of Sholes, within our ſaid bounds, is and ſhall be henceforth, a county, or ſhire, called by the name of Yorkſhire.

2. That the people inhabiting there, ſhall enjoy protection, equal acts of favour and juſtice, with the reſt of the people inhabiting on the ſouth ſide of the river of Piſchatay; and within the liberties of our whole juriſdiction.

3. That Kittery ſhall be and remain a townſhip, and have and enjoy the priviledges of a town, as others of this juriſdiction have and do enjoy.

4. That they ſhall enjoy the ſame bounds that are clear betwixt town and town, as hath formerly been granted when comiſſioners of each bordering town hath received and returned to our general court their ſurvey.

5. That both each town and every inhabitant ſhall have and enjoy all their juſt proprieties, titles, and intereſts, in the houſes and lands which they do poſſeſs, whether by the grant of the town, or of the Indians, or of the former general courts.

6. That

6. That the town of Kittery, by their freemen ſhall ſend one deputy yearly, to the court of election, and it ſhall be in their liberty to ſend to each court two deputies, if they think good.

7. That all the preſent inhabitants of Kittery, ſhall be freemen of the countrie, and having taken the oath of freemen, ſhall have liberty to give their votes for the election of the governour, aſſiſtants, and other general officers of the countrie.

8. The county of York ſhall have county courts within themſelves, in the moſt comodious and fit places, as authority ſhall ſee meet to appoint.

9. That every townſhip ſhall have three men appointed by the county court, to end ſmall cauſes, as others of the townſhips in this juriſdiction hath where no magiſtrate or comiſſioner reſideth.

10. That the ſhire may or ſhall have three aſſociates to aſſiſt ſuch comiſſioners as the preſent comiſſioners or the authority of the Maſſachuſetts ſhall ſend, and ſuch magiſtrate as ſhall voluntarily come unto them from time to time.

11. That the whole county of York, ſhall not be drawn unto any ordinary general trainings, out of their own county, without their conſent.

12. That the inhabitants of Kittery ſhall have alſo the ſame priviledges that Dover had upon their coming under the government.

13. That all ſuch as have or ſhall ſubſcribe voluntarily as the reſt have done before the ending of this court ſhall have the priviledge of indemnity for acts of power exerciſed by the former gentlemen until the proteſt, and for and in reſpect of ſuch criminal matters as are breaches of penal laws within the whole govern-

ment;

ment; provided alſo, that each perſon within the county hath liberty to appeal in reſpect of his caſe, provided always that nothing in this our grant ſhall extend to determine the infringing of any perſons right, where poſſeſſion is had, to any land or inheritance whether by grant, by patent or otherwiſe, but ſuch titles ſhall be left free tobe heard and determined by due courſe of law. The comiſſioners do intend at their better leaſure to write alſo, their grounds and proceedings to this concluſion. Provided and it is hereby declared that nothing in this grant ſhall extend to reſtrain any civil action or to review former civil cauſes, which review ſhall be brought to any of the courts within one year now enſuing.

14. And whereas there are certain debts and impoſts due to the inhabitants of Kittery and Agamenticus, and ſome debts which are due from them to particular perſons for publick occaſions. It is therefore ordered and agreed, that Mr. Nicholas Shapleigh ſhall have power forthwith, to collect ſuch ſum or ſums of money as are due to the foreſaid inhabitants, and pay ſuch debts as are juſtly due from them, and give an account thereof within one month, to the comiſſioners that ſhall be then in preſent being: and if it ſhall then appear that there is not ſufficient to diſcharge the peoples engagement it ſhall be ſupplied by way of rate according to the former cuſtom. Simion Bradſtreet, Bryan Pendleton, Thomas Wiggins, Samuel Simonds."

On the 22d of the ſame month the inhabitants of Gorgiana came into a ſimilar ſubmiſſion, and had their priviledges preſerved as follows.

"At a court holden at a place called Agamenticus or Gorgiana 22d Nov. 1652, by the comiſſioners of the general court of the Maſſachuſetts. The inhabitants aforeſaid,

aforeſaid, having jointly acknowledged themſelves ſubjects to the government of the Maſſachuſetts in New England, we the aforeſaid comiſſioners have granted unto the ſaid town.

1. All the liberties and priviledges above ſpecified, and granted unto the inhabitants of Kittery.

2. Further we do conſent that the town now called Agamenticus, ſhall be henceforward called York.

3. That one court ſhall be keept yearly in the ſaid town, by ſuch magiſtrate or magiſtrates, and other comiſſioners as the general court of the Maſſachuſetts ſhall from time to time appoint, and for the preſent, by ſuch comiſſioners as ſhall be authorized by the aforeſaid comiſſioners of the Maſſachuſetts, which court ſhall have the ſame power for trial of cauſes civil or criminal, ariſing in the county of York, as other county courts have in the Maſſachuſetts juriſdiction.

4. That ſuch of the preſent inhabitants, as ſhall take the oath of freedom, ſhall be thenceforth capable of giving their votes for the choice of governour, aſſiſtant, and other general officers, and of being choſen to any of the aforeſaid places of honour and truſt.

5. It is further agreed, that the inhabitants of York and Kittery ſhall ſet out their bounds betwixt them, and the inhabitants of Wells and York ſhall ſet out their bounds betwixt them, within one year next enſuing, otherwiſe it ſhall be done by commiſſioners appointed by the general court, and the head line of York bounds into the county ſhall be upon a ſtreight line by the ſouth eaſt ſide of a certain pond, about two miles into the county beyond the northerly branch of a certain marſh, now improved by ſome of the inhabitants of York, and ſo the diviſion lines betwixt the

towns

towns beforementioned, and if it ſo fall out, that any part of the marſhes now reputed to belong to York, and improved by the inhabitants thereof, ſhall fall within Kittery bounds, yet the propriety of the ſaid marſh, ſhall belong to the inhabitants of York, to whom it is granted, and if any of the lands or marſhes, now reputed to belong to Kittery, and improved by any of the inhabitants thereof, ſhall fall within the bounds of York, yet the propriety of the ſaid land or marſh, ſhall belong to ſuch of the inhabitants of York or Kittery, to whom it is granted. Symon Bradſtreet, Samuel Symonds, Thomas Wiggine, Bryan Pendleton. Recorded 15th February, 1652.

A true copy of an order made by thoſe commiſſioners, which took in Portſmouth to the government of the Maſſachuſetts, being on the ſouth ſide of the River of Piſcataqua at the ſame time they took them in. "It is ordered that the aſſociates at Piſcataqua ſhall have power to trie any cauſe under twenty pounds, though no other be ſent unto them."

Upon ſubmiſſion of the people in Kittery, and York, a general court was held, and the following laws were enacted.

"At a general court of election, held at Boſton, the 18th of May, 1653. It is ordered by this court and the authoritie thereof, for preventing of any ſuch trade as may bee of dangerous conſequence to ourſelves, as the ſtrengthning of perſons in hoſtilities, to our nation or ourſelves, that from the publication hereof, all perſons in our juriſdiction are prohibited from carrying proviſions, as corne, beefe, peaſe, bread, or porke, &c. into any of the plantations of Dutch, or French, inhabiting in any of the parts of America; and in caſe any

ſhall

ſhall ſoe doe, they ſhall pay trible the value ſo traded, upon legall conviction of which, and caution ſhal be given by all ſhipps, or ſmaller veſſels that ſhall tranſport any proviſions for trade, that they ſhall not deliver directly or indirectly any of the before prohibited proviſions to any of the perſons or their aſſignes before excepted. In purſuance whereof, if any perſon tranſporting as before intended, ſhall not give in caution to the double vallue to the clarke of the county courts or to the ſecretary at Boſton, where they ſayle from, to aſſure his fidelity to this order, hee or they ſhall forfeit ſuch veſſell and goods, one fourth part to the informer, and the reſt to the country.

Whereas by the providence of God, the number of our plantacions are increaſed, divers of which, eſpecially in their beginning, are deſtitute of perſons fitly qualified to undertake the work of the miniſtry, whereby they are neceſſitated to make uſe of ſuch help as they have to exerciſe, and preach publiquely amongſt them, by occaſion whereof perſons of bolder ſpirits and erronious principles may take advantage to vent their errors to the infecton of their hearers, and the diſturbance of the peace of the country; for the preventing whereof, it is ordered by the court, that no perſon ſhall undertake any conſtant courſe of publique preaching, or propheſying, within this juriſdiction, without the approbation of the elders of the four next neighbouring churches, or of the county court to which the place belongs. And if any perſon ſhall after publication of this order, continue ſuch a practice, the next magiſtrate or magiſtrates who ſhal be informed thereof, ſhall forbid ſuch perſon, and who if he ſhall not forbeare he ſhall binde him over to the court of aſſiſtants,

who

who ſhall proceed with ſuch perſon according to the meritt of the fact. The execution of this lawe is ſuſpended till the next ſeſſions.

There having been more than ordinary expences this year, by reaſon of the troubles, and other needful and urgent occaſions, ſo that the annuall country levie will not reach to ſatisfacion of our engagements. It is therefore ordered by this court, that the treaſurer ſhall forthwith iſſue out warrants to the conſtables of the ſeverall townes in the juriſdicion, requiring them to ſignifie to the ſelectmen of each towne, that at the tyme appointed for the yerely making of rates, each townes proportion be as much more as hath been uſually in tyme paſt both in regard of lands and eſtates; and do therefore order the ſelectmen to act herein accordingly.

It is ordered by this court, that the commiſſioners at Portſmouth, ſhall have equal power for tryall of actions within themſelves to the value of tenne pounds, as Kittery and Yorke have, which ſhall continue till the court ſhall take further order. And the county courts of Dover and Portſmouth ſhall annually be held upon the laſt Tueſday in June, and the county of Yorkſhire, ſhall have their county courts, the Thurſday following.

The returne of the commiſſioners, who upon the commiſſion granted by the general court, bearing date the 28th of October, 1652, viz. Mr. Simon Bradſtreet, Mr. Samuel Simonds, Capt. Thomas Wiggins, and Mr. Bryan Pendleton, in obedience to their commiſſion repaired to thoſe partes, at their arrival at Kittery they ſummoned the inhabitants to appear before them.

To the inhabitants of Kittery. Whereas the generall court holden at Boſton, in the laſt month, did appoint us whoſe names are hereunder written, as by

their

their commiſſion under the ſeale of the colonie of the Maſſachuſetts, as doth, or may appeare, by ſummons to aſſemble the inhabitants of this towne together in ſome place which we ſhould judge moſt convenient, and to declare unto them, our juſt right and intereſt to, and juriſdiction over the tract of land where you inhabit, requiring their ſubmiſſion thereunto, aſſuring them they ſhall enjoy equall protection and priviledge with themſelves. This is therefore to deſire you, and in the name of the government of the Maſſachuſetts to require you and every of you to aſſemble together before us, at the houſe of William Everett, between ſeaven and eight of the clocke in the morning, the 16th of this preſent November, to the end aforeſaid, and to ſettle the government amongſt you, which we hope will tend to the glory of God, and to the peace and welfaire of the whole. Dated the 15th November, 1652, and ſigned,

Simon Bradſtreete, Thomas Wiggin,
Samuel Simonds, Brian Pendleton.

Att the time appointed, the inhabitants appeared, a court was held. And whilſt matters were in debate between the inhabitants and the commiſſioners, a complaint was made againſt one John Burſly, for uttering threatening words againſt the commiſſioners and ſuch as would ſubmit to the government of the Maſſachuſetts. Michael Brance and Charles Froſt were witneſſes againſt the ſaid Burſly.

The ſaid Burſly upon his examination, at length, in open court did confeſs the words, and upon his ſubmiſſion was diſcharged.

After long agitation with the inhabitants about the whole buſineſs in hand, they offered to come under the government of the Maſſachuſetts, provided that the articles and conditions tendered by themſelves, might be

denied

received as the ground thereof, which being wholly denied by the commiſſioners, who told them they muſt firſt ſubmitt to the government, and then they ſhould be readie to afford them ſuch priviledges and immunities, as they ſhould thinke meete to grant; whereupon, at length they did ſubmitt as followeth.

Wee whoſe names are under written doe acknowledge ourſelves ſubject to the government of the Maſſachuſetts Bay, in New England.

Thomas Withers,
John Wincole,
William Chadbourne,
Hugh Guninnſon,
Thomas Spencer,
Thomas Durſton,
Robert Mendam,
Richard Thomas,
James Emerie,
Chriſtian Remich,
Nicholas Froſt,
Charles Froſt,
Humphry Chadbourne,
Abraham Cunley,
Richard Naſon,
Mary Baylie,
Daniell Paule,
John Diamond,
George Leader,
Jonathan Symonds,
Robert Weighmouth,
John Greene,
Hughbert Mattome,
Gowen Williſon,
William Palmer,
Jemima Shores,
John Hoord,
Thomas Spinny,
Nathaniel Lord,
Joſeph Mile,
Nicholas Shapleigh,
Anthony Emerie,
Reynold Jenkins,
John White,
Thomas Jones,
Denis Downing,
John Andrews,
Daniel Davis,
Phillip Babb,
Antipas Manerricke,
William Everett.

The grant to Kittery, November 20th 1652. Whereas the towne of Kittery hath acknowledged themſelves ſubject to the government of the Maſſachuſetts Bay, in New England, as by their ſubſcription under their hands,

hands, bearing date the 16th of this inſtant it doth appear; we the commiſſioners of the general court of the Maſſachuſetts, for the ſettling of government amongſt them, and the reſt within the bounds of their charter, northerly to the full and juſt extent of their line, have thought meete, and actually doe grant as followeth, viz.

1. That the whole tract of land beyond the river of Piſcataqua northerly, together with the Iſle of Shoales, within our ſaid bounds, is and ſhall be henceforth, a county or ſhire, called by the name of Yorkſhire.

2. That the people inhabiting there, ſhall enjoy protecion, equal acts of favour and juſtice with the reſt of the people inhabiting on the ſouth ſide of the river Piſcataqua, within the limits of our whole juriſdiction.

3. That Kittery ſhall be and remain a townſhip, and have and enjoy the priviledges of a towne as others of the juriſdicion have and do enjoy.

4. That they ſhall enjoy the ſame bounds that are there betweene towne and towne, as hath been formerly granted, when commiſſioners of each bordering towne hath viewed and returned to us or to the general court their ſurvey.

5. That both each towne, and every inhabitant ſhall have and enjoy all their juſt proprieties, titles and intereſts, in the houſes and lands which they doe poſſeſſe, whether by the grant of the towne, or of the Indians, or of the former general courts.

6. That the town of Kittery by their freemen, ſhall ſend one deputie yerely to the court of elecion, and that it ſhall be in their liberty, to ſend to each court two deputies, if they thinke good.

7. That

7. That all the preſent inhabitants of Kittery, ſhall be freemen of the countrie, and having taken the oath of freemen, ſhall have liberty to give their votes for the election of the governour, aſſiſtants, and other general officers of the countrie.

8. That this county of York ſhall have county courts within themſelves, in the moſt comodious and fit places, as authority ſhall ſee meet to appoint.

9. That every townſhip ſhall have three men appointed by the county court, to end ſmall cauſes, as other townſhips in this juriſdiction hath, where no magiſtrate or comiſſioner reſideth.

10. That the ſhire ſhall or may have three aſſociates to aſſiſt ſuch comiſſioners as the preſent comiſſioners or the authority of the Maſſachuſetts ſhall ſend, and ſuch magiſtrates as ſhall voluntarily come unto them from time to time.

11. That the inhabitants of the county of Yorkſhire, ſhall not be drawn to any ordinary general trainings, out of their own county, without their conſent.

12. That the inhabitants of Kittery ſhall alſo have the ſame priviledges that Dover hath upon their coming under this government.

13. That all ſuch as have or ſhall ſubſcribe voluntarily as the reſt have done before the ending of this court ſhall have the priviledge of indemnity for all acts of power exerciſed by the former gentlemen until the proteſt, and for and in reſpect of ſuch criminal matters as are breaches of penal laws within the whole government. Provided that Abraham Cunley hath liberty to appeal in reſpect of his caſe, wherein he was fined tenne pounds, Anno 1651.

14. Provided always, that nothing in this our grant ſhall extend to determine the infringing of any perſon's right to any lands or inheritance whether by grant, by pa-

tent or otherwiſe, where poſſeſſion is had, but ſuch titles ſhall be left free to be heard and determined by due courſe of law.

Provided, and it is hereby declared, that nothing in this grant ſhall extend to reſtrain any civil action or review for former civil cauſes, which review ſhall be brought to any of our courts within one year now enſuing.

And whereas there are certain debts and impoſts due to the inhabitants of Kittery and Agamenticus, and ſome debts which are due from them to particular perſons for publick occaſions. It is therefore ordered and agreed, that Mr. Nicholas Shapleigh ſhall have power forthwith, to collect ſuch ſum or ſums of money as are due to the aforeſaid inhabitants, and pay ſuch debts as are juſtly due from them, and give an account thereof within one month, to the comiſſioners that ſhall be then in preſent being: and if it ſhall then appear that there is not ſufficient to diſcharge the peoples engagement it ſhall be ſupplied by way of rate according to the former cuſtom.

Simon Bradſtreet, Thomas Wiggin,
Samuel Simonds, Bryan Pendleton.

Whereas the generall court holden at Boſton, in October laſt, graunted Mr. Nicholas Shapleigh, protecton for one yeare freely to come into the juriſdiction of the Maſſachuſetts, and to returne to his owne houſe without moleſtation. Wee the commiſſioners appointed by the ſaid court to ſettle the civill government at Kittery, &c. upon the requeſt of the ſaid Mr. Shapleigh, have thought meete, and accordingly graunted that no former judgment or execution formerly obtained by any creditor in any court of the Maſſachuſetts againſt the ſaid Mr. Shapleigh ſhall be of force againſt his perſon for one yere from the date of the ſaid protection, notwithſtanding the place of his habitation is within the

juriſdiction

juriſdiction of the Maſſachuſetts aforeſaid ; provided nevertheleſs, that this priviledge and proteccon now granted, ſhall not barre or lett any perſon whatſoever, from ſueing or recovering by lawe, any debt due by bill or bond or otherwiſe, from the ſaid Mr. Shapleigh, upon a new accont, either in the county court of Yorke or Kittery, or within the juriſdicion where any ſuch creaditor may inhabit ; his perſon ſtill to be free from reſtraint for the term aforeſaid. Given at Kittery under our hands this 24th November, 1652.

20th November, 1652. Thomas Dourſon, and Robert Mendam, were choſen and ſworne conſtables for the towne of Kittery. Phillip Babb of Hogg Iſland, was appointed and authoriſed conſtable for all the Ilands of Shoales, Starre Iland excepted.

Mr. Hugh Guniſon was licenced to keep an ordinary, and to ſell wine and ſtronge water, and for one yere he is to pay but twenty ſhillings the butt.

Whereas the generall court held at Boſton in October laſt, hath appointed and authorized us whoſe names are under written to ſettle the civill government in this place of Kittery, now in the county of Yorkſhire, as by their commiſſion under the ſeal of this collonie, dated 28th of the aforeſaid October, doth or may appear.

We therefore the ſaid commiſſioners, with the free and full conſent of the inhabitants of Kittery, have and hereby doe conſtitute and appoint the right truſty Mr. Brian Pendleton, Mr. Thomas Withers, commiſſioners, and Mr. Hugh Guniſon as an aſſociate, and inveſted them with full power and authoritie together with one aſſiſtant of the government of the Maſſachuſetts, to keepe yerely one county court at Kittery, and every one of their commiſſioners hereby have magiſtratticall power to heare and determine ſmall cauſes like as other magiſtrates that are aſſiſtants have, whether they are of

a civill or criminall nature; alſo power is hereby given to the ſaid commiſſioners and aſſociates aſſembling together betweene the county courts to heare and determine without a jury in the ſaid towne any cauſe not exceeding tenne pounds; any of the commiſſioners may grant ſummons or attachments and executions if need require. Any of the ſaid commiſſioners hereby have power to examine offenders, to committ to priſon unleſs baile be given and taken. Alſo each of theis commiſſioners have hereby power when they ſhall judge needful, to bind offenders to the peace and good behaviour. Alſo, each of theſe commiſſioners hath hereby power to adminiſter oaths according to lawe. Alſo marriage ſhall be ſolemnized by any of the commiſſioners, according to lawe. Alſo the county court ſhall appoint a ſhire treaſurer, to whom fines and matters of the like nature, are to be accompted and paid for the uſe of the country. Alſo, any of the ſaid commiſſioners may adminiſter the oath to ſuch of the preſent inhabitants as ſhall deſire to be made free. Alſo two of theis commiſſioners may, till other order be taken, graunt or receive lycences for ordinaries or ſelling wine, or ſtronge water. Alſo two of the ſaid commiſſioners hereby have authority to impower military officers under the degree of a captain. Alſo power is hereby given to two of the ſaid commiſſioners, and they are required to enjoyne the towne of Kittery to procure the bookes of lawes and ſuch alſoe as are not yet printed and enacted ſince the laſt booke came forth in print. And it is intended that both grand juries and juries for triall ſhall be ſumoned for the county court out of York and Kittery proportionably. Given under our hands at Kittery, this twentieth day of November, 1652.

Simon Bradſtreet, Thomas Wiggin,
Samuel Symonds, Brian Pendleton.

The

The returne of the commiſſioners, who upon the commiſſion granted by the general court bearing date 28th of October, 1652, viz. Mr. Simon Bradſtreet, Mr. Samuel Symonds, Capt. Thomas Wiggin, and Mr. Brian Pendleton, in order to their commiſſion, after they had been at Kittery, repaired to Accomenticus or Gorgiana, and ſummoned the inhabitants thereof to appeare before them.

Whereas the generall court holden at Boſton in the laſt month, did appoint us whoſe names are hereunder written, as by their commiſſion under the ſeale of the cóllonie of the Maſſachuſetts, doth or may appeare, by ſummons to aſſemble the inhabitants of this towne together in ſome place which wee ſhould judge moſt convenient; and to declare unto them our juſt right and intereſt to and juriſdiccon over the tract of land where you inhabit, requiring their ſubmiſſion thereunto, aſſuring them they ſhall enjoy equal proteccon and priviledge with themſelves. This is therefore to deſire you in the name of the government of the Maſſachuſetts, to require you and every of you to aſſemble together before us at the houſe of Nicholas Davis, between ſeaven and eight of the clocke on Monday next, in the forenoone, to the end aforeſaid, and to ſettle the government amongſt you, which we hope will tend to the glory of God, and to the peace and welfaire of the whole. Dated the 20th day of November, 1652.

Subſcribed,

Simon Bradſtreet,
Samuel Simonds,
Thomas Wiggin,
Brian Pendleton.

And was directed to Mr. Nicholas Davis, and Mr. John Davis, who were required and authorized to warne the inhabitants aboveſaid.

Upon the 22d of November 1652, the commiſſioners held their court, and the inhabitants appeared, and after ſome tyme ſpent in debatements and many queſtions anſwered, and objections removed, with full and joint conſent, acknowledged themſelves ſubject to the government of the Maſſachuſetts in New England; only Mr. Godfrey did forbeare, untill the voate was paſt by the reſt, and then immediately he did by word and voate expreſs his conſent. Alſo the names of thoſe that tooke the oath of freemen were,

Francis Rayne,
Thomas Crockett,
John Alcocke,
William Dixſon,
Richard Codagon,
George Parker,
Andrew Everet,
Robert Knight,
William Rogers,
Samuel Alcocke,
Peter Wyer,
Philip Adams,
Mr. Edward Godfrey,
——— Lewis,
Robert Edge,
Phillip Hatch,
Joſeph Alcocke,
John Davis,
Nicholas Bond,
Edward Johnſon,
Hugh Gaile,
William Gomſey,
Richard Banke,
Mary Tapp acks. only,
Edward Wentom,
George Beanton,
Mr. William Hilton,
William Moore,
Henry Donell,
Edward Stiet,
Rowland Younge,
John Parker,
Arthur Bragdon,
William Ellingham,
John Tuiſdale, ſen.
Thomas Curtoones,
Silveſter Stover,
Thomas Donnell,
Edward Ruſworth,
John Harker,
Nicholas Davis,
Sampſon Angier,
Henry Norton,
Robert Hetherſe,
William Freathie,
John Davis,

John

John Tuiſdale, jun. Mr. John Gouge,
Mr. Abraham Preble, Mr. Thomas Wheelwright.

The commiſſioners (ſome after) granted unto them ſeverall priviledges and liberties, ſubſcribed under their hands, the ſame which they granted to the inhabitants of Kittery, with theſe additions, viz.

Further, wee the commiſſioners aforeſaid doe conſent and agree that the towne now called Accomenticus ſhall henceforth be called Yorke.

And that one court ſhall be kept yerely in the towne by ſuch magiſtrate or magiſtrates and other commiſſioners, as the general court of the Maſſachuſetts, ſhall, from tyme to tyme appoint, and for the preſent, by ſuch commiſſioners as ſhall be authoriſed by the aforeſaid commiſſioners of the Maſſachuſetts, which court ſhall have the ſame power for trial of cauſes, civill or criminal, ariſing in the county of Yorke, as other county courts have, in the Maſſachuſetts juriſdiccion.

4. That ſuch of the preſent inhabitants as ſhall take the oath of freedom, ſhall be thenceforth capable of giving their votes for the choice of governour, aſſiſtants, and other general officers, and of being choſen to any of the aforeſaid places of honour and truſt.

5. It is agreed that the inhabitants of Yorke and Kittery, ſhall ſet out their bounds, betwixt them, and the inhabitants of Wells and York, ſhall ſet out their bounds within one yere nowe next enſueing, otherwiſe it ſhall be done by commiſſioners appointed by the general court, and the head line of Yorke bounds, into the country ſhall be in a ſtreight line by the ſoutheaſt ſide of a certain pond, about two miles into the country, beyond the northerly branch of a certain marſhe, now improved by ſome of the inhabitants of Yorke,

and ſo to the diviſion lines betwixt the townes before mentioned. And if it ſhall ſo fall out, that any part of the marſhes now reputed to belonge to Yorke and improved by any of the inhabitants thereof, ſhall fall within Kittery bounds, yett the ſaid proprietie of the ſaid marſhe, ſhall belonge to the inhabitants of Yorke, to whome it is granted. And if any of the lands or marſhes now reputed to belong to Kittery, and improved by any of the inhabitants thereof, ſhall fall within the bounds of Yorke, yett the proprietie of the ſaid lands or marſh, ſhall belong to ſuch of the inhabitants of Yorke or Kittery, to whome it is granted.

Simon Bradſtreet, Thomas Wiggin,
Samuell Simonds, Brian Pendleton.

Att the ſame court, held at Yorke the 22d of November, 1652,

Mr. Nicholas Davis was choſen and ſworne conſtable.

Mr. Edward Riſhworth was choſen recorder, and deſired to exercize the place of clarke of the writts.

Mr. Henry Norton, was choſen marſhall, there.

John Davis was licenced to keep an ordinary there.

Then was the commiſſion granted to the gentlemen of Yorke, as followeth, viz.

Whereas the general court holden at Boſton, in October laſt, hath appointed and authorized us whoſe names are under written, to ſettle the civill government in this place, now called Yorke, in the county of Yorkeſhire, as by their commiſſion under the ſeale of this colonie, dated the 28th of the aforeſaid October, doth or may appeare; wee therefore, the ſaid commiſſioners, with the free and full conſent of the inhabitants of the ſaid towne, have, and doe hereby conſtitute and appoint the right truſty Mr. Edward Godfrey, Mr. Abraham Preble, Mr. Edward Johnſon, and Mr. Edward

ward Riſhworth, commiſſioners, inveſted with full power and authoritie, together with one aſſiſtant of the government of the Maſſachuſetts, to keep one county court yearely at Yorke, and every of theſe commiſſioners hereby have magiſtratticall power to heare and determine ſmall cauſes like as other magiſtrates that are aſſiſtants have, whether they are of a civill or criminall nature. Alſo power is hereby given to any three of the ſaid commiſſioners aſſembling together betweene the county courts, to heare and determine (without a jury) in the ſaid towne, any cauſe not exceeding tenne pounds. Any of the commiſſioners may graunt ſummons or attachments and executions if neede require; any of the ſaid commiſſioners hereby have power to examine offenders, to commit to priſon, unleſs bail be given and taken. Alſo each of theis commiſſioners have hereby power to adminiſter oathes according to law. Alſo any of the commiſſioners have hereby power when they ſhall judge needful, to binde offenders to the peace or good behaviour. Alſo marriage ſhall be ſolemnized by any of the commiſſioners, according to law. Alſo a county court ſhall appoint a ſhire treaſurer, to whom fines and matters of the like nature, are to be accompted and paid for the uſe of the county. Alſo any of the ſaid commiſſioners may miniſter the oath to ſuch of the preſent inhabitants as ſhall be made free. Alſo two of theſe commiſſioners may, till other order be taken, grant or renew licences for ordinaries or ſelling wine or ſtronge water. Alſo two of the ſaid commiſſioners hereby have authoritie to impower military officers under the degree of a captaine. Alſo power is hereby given to two of the ſaid commiſſioners, and they are required to enjoyne the towne of Yorke to procure the bookes of lawes, and ſuch alſo as are not yet printed

and

and enacted ſince the laſt booke came forth in print; and it is intended that both grand juries and juries for triall ſhall be ſummoned for the county court out of Yorke and Kittery, proportionably. Given under our hands, this 23d of November, 1652.

Symon Bradſtreet, Thomas Wiggin,
Samuel Simonds, Brian Pendleton.

The court having viewed this retourne of the commiſſioners at Kittery, &c. do approve thereof, and orders that due and harty thanks be rendered for their paines and ſervice therein.

This is a true copie of the ſeverall lawes made at the firſt ſeſſions of the general court, with the retourne of the acts of the commiſſioners, at Kittery, &c. taken out of the court records."

The towns of York, and Kittery, being thus brought into ſubmiſſion to Maſſachuſetts, the ſame principles which affected their ſubjugation claimed with equal force, a ſuperintendency over the towns farther eaſt. Wells, Cape Porpoiſe, and Saco, had but little communication with the other towns abovementioned. The roads were not made through the wilderneſs, nor was the diſtance from the one to the other well known. Wells was without the Province of Lygonia, but the idea entertained by Maſſachuſetts with reſpect to the extenſion of their patent, was equally oppoſed to the exiſtence of that province, as to the voluntary aſſociated governments at Portſmouth, Dover and Gorgiana. Commiſſioners were therefore appointed in the year 1653, to reduce Wells, Cape Porpoiſe, and Saco, to the ſame obedience as had been conſented to by York and Kittery.

Governour

Governour Bellingham, and others, were on the commiſſion; they repaired to Wells and opened their court in form. Their report, with the conſequent judicial proceeding, and the continuance of the arrangement made by the commiſſioners, are the only evidence of the tranſaction.

The court could not get any farther than Wells for want of a road to travel in; beſides, as there was a government at Saco, eſtabliſhed by the commiſſioners of the parliament only five years before, there might have been ſome hazard in going there with their commiſſion. A number of the people of Cape Porpoiſe, and Saco, attended at Wells on the 5th of July, 1653, and ſubſcribed to a form, or covenant of ſubmiſſion, drawn up by the commiſſioners, and were admitted to the dignity of freemen. But among the names of thoſe who ſubmitted we do not find thoſe of Vines, Benython, or any of the advocates of Gorges or Rigby. This diviſion of intereſt wore a threatening aſpect, and it was a matter of great importance to form a balance for it. The men who ſubmitted, were generally thoſe who had taken lands by poſſeſſion, and wiſhed an aſſurance of the ſame from ſome power who did not expect a very valuable conſideration. The commiſſioners quieted all who ſubmitted, in poſſeſſion of their lands, and gave them the priviledge of freemen. They alſo granted aids to the inhabitants for publick purpoſes, and by that means obtained a majority in favour of the Maſſachuſetts government.

The return of the commiſſioners is as conciſe a deſcription of the whole buſineſs as can be given, and it is therefore inſerted at large.

"At

" At a general court called by the governour and council, and held at Boſton the 30th of Auguſt, 1653.

The return of the commiſſioners, who upon the commiſſion granted by the general court, bearing date the 7th of June, 1653, viz. Richard Bellingham, Eſq. deputy governour, Capt. Thomas Wiggins, Daniel Denniſon, ſerjeant major general, Edward Rawſon Secretary, and Mr. Benjamin Pendleton, who in order to their commiſſion, repaired to Wells, and ſent out ſummons to the inhabitants of Wells, Saco, and Cape Porpus, to appear before them the 4th of July, 1653.

At Wells, 4th of July, 1653, at Mr. Emerſon's houſe, the commiſſioners above mentioned, by virtue of their commiſſion above mentioned, held and kept court there, and cauſed the inhabitants of Wells, by name, particularly to be called according to their ſummons, and thoſe whoſe names are hereunder written, made their appearance and acknowledged themſelves ſubject to the government of Maſſachuſetts, as witneſs their hands this 4th July, 1653.

Joſeph Emerſon,	Joſeph Bowles,
Ezekiel Knight,	Jno. Thing,
Jno. Gooch,	Jno. I. Barrett, ſen.

After their ſubjection, the commiſſioners judged it meet to grant them to be freemen, and accordingly adminiſtered the oath of freemen to them. And for the better effecting the ends of their commiſſion they appointed Jonathan Thing to be conſtable for one whole year, and gave him the conſtable's oath accordingly.

And whilſt the names of the inhabitants of Wells, were calling over, William Wardell, one of the inhabitants there, coming by, was called to come in and anſwer to his name, which he refuſed and contemptuouſly

turned

turned his back on the court, for which contempt the court granted out a warrant to the conſtable to fetch the ſaid William Wardell before them to anſwer his contempt, and ſo adjourned the court to Mr. Ezekiel Knight's, to which place the conſtable brought the ſaid Wardell, the reſt of the inhabitants of Wells accompanying him. The court demanding a reaſon of the ſaid Wardell for his contemptuous behaviour, who excuſed himſelf that his intent was not to contemn the court, but rather to endeavour to get the reſt of the inhabitants of Wells, that had not appeared, to come in and make their appearance. The court at the requeſt of the inhabitants, who promiſed the ſaid Wardell ſhould be forthcoming the next day, diſmiſſed the ſaid Wardell, and adjourned the court till the next day at eight of the clock, at which time the court met again, and the inhabitants of Wells were called according to their ſummons, and appearing did ſubject themſelves as followeth.

We whoſe names are here underwritten, inhabitants of Wells, do hereby freely acknowledge ourſelves ſubject to the government of Maſſachuſetts, as witneſs our hands this 5th of July, 1653.

Francis Littlefield, jun.
Nicholas Cole,
William Cole,
William Wardell,
Samuel Auſtin,
William Homans,
Jno. Wakefield,
Thomas Millot,
Auth. Littlefield,
Jno. Barrett, jun.
Thomas Littlefield,
Henry Boads,
Jno. Wadly,
Edmund Littlefield,
Jno. Saunders,
Jno. White,
Jno. Buſh,
Robert Wadly,
Francis Littlefield, ſen.

The

The court at the requeſt of the inhabitants, accepted the ſubmiſſion of William Wardell, and to theſe abovementioned alſo, the commiſſioners granted they ſhould be freemen, and in open court gave them the freeman's oath. And further, whereas the town of Wells hath acknowledged themſelves ſubject to the government of the Maſſachuſetts Bay in New England, as by their ſubſcriptions may appear; we the commiſſioners of the general court of the Maſſachuſetts, for the ſettlement of government amongſt them and the reſt within the bounds of their charter, northerly to the full and juſt extent of their line, have thought meet, and do actually grant,

1. That Wells ſhall be a townſhip by itſelf and always ſhall be a part of Yorkſhire, and ſhall enjoy protection, equal acts of favour and juſtice with the reſt of the inhabitants on the ſouth ſide of the river Piſcataqua, within the limits of our juriſdiction, and enjoy the priviledges of a towne as others of the juriſdiction have and do enjoy, with all other liberties and priviledges to other inhabitants in our juriſdiction.

2. That every inhabitant ſhall have and enjoy all their juſt proprieties, titles and intereſt, in the houſes and lands which they doe poſſeſs, whether by grant of the town poſſeſſion, or of the former general court.

3. That all the preſent inhabitants of Wells ſhall be freemen of the country, and having taken the oath of freemen, ſhall have liberty to give their votes for the election of the governors, aſſiſtants and other general officers of the county.

4. That the ſaid town of Wells ſhall have three men approved by the county court from year to year, to end ſmall cauſes as other townſhips in the juriſdiction hath

where

where no magiſtrate is according to law; and for this preſent year Mr. Henry Boade, Mr. Thomas Wheelwright, and Mr. Ezekiel Knight, are appointed and authorized commiſſioners to end all ſmall cauſes under forty ſhillings, according to law. And further, theſe commiſſioners or any two of them, are and ſhall be impowered and inveſted with full powers and authorities, as magiſtrates to keep the peace, and in all civil cauſes to grant attachment and executions, if need require. Any of the ſaid commiſſioners have power to examine offenders, to commit to priſon, unleſs bail be given according to law, and where theſe, or any of theſe, they ſhall judge needful, they ſhall have power to bind offenders to the peace, on good behaviour. Alſo, any of the commiſſioners have power to adminiſter oaths according to law, alſo, marriages ſhall be ſolemnized by any of the commiſſioners according to law.

It is further hereby ordered and granted, that for this preſent year Mr. Henry Boad, Mr. Thomas Wheelwright, Mr. Ezekiel Knight, John Wadley, and Jno. Gooch, ſhall be ſelectmen, to order the prudential affairs of the town of Wells for this year.

Mr. Henry Boad, Mr. Thomas Wheelwright, and Mr. Ezekiel Knight, took their reſpective oaths as commiſſioners or aſſociates uſed to do. Laſtly, it is granted that the inhabitants of Wells, ſhall be from time to time, exempted from all public rates, and that they ſhall always bear their own charges of the courts, ariſing from among themſelves. Mr. Joſeph Bowles, was appointed Clerk of the writs to grant warrants, attachments, &c.

Mr. Ezekiel Knight is appointed to be grand juryman for the town of Wells for one year, and took his

oath

oath accordingly. The cauſe between Morgan Howell, and Jno. Baker, is continued and referred to be determined by the next county court in Yorkſhire. Jno. Baker did acknowledge himſelf bound in twenty pounds to Richard Ruſſell, gent. treaſurer of the Maſſachuſetts juriſdiction, on this condition that he ſhall appear before the next county court in Yorkſhire, to anſwer the ſaid action or complaint againſt Morgan Howell. Several articles were exhibited againſt John Baker for abuſive and approbrious ſpeeches uttered by him againſt the miniſter and miniſtry, and for upholding private meetings and prophecying to the hindrance and diſturbance of publick aſſemblings, ſome of which being proved againſt him, he tendered voluntarily to deſiſt from prophecying publickly any more. The court proceeded to cenſure him to be bound to his good behaviour, and forbad him any more publickly to preach in this juriſdiction. John Baker did accordingly acknowledge himſelf bound in twenty pounds to Mr. Richard Ruſſell, treaſurer of the Maſſachuſetts, on this condition, that he will be of good behaviour between this and the next county court, and make his appearance at the ſaid court, if he be in this juriſdiction.

That the commiſſioners of the Maſſachuſetts, for ſettling the government at Wells, Cape Porpus, and Saco, being informed of ſeveral differences amongſt the inhabitants of Wells, which were principally occaſioned, as was profeſſed in the court, by thoſe that called themſelves of the church there, which differences we were very deſirous to compoſe, and therefore were willing to be informed of the proceedings of thoſe perſons, and the ſucceſs of their church eſtate. After we had heard what both parties would ſay, with the relation of Mr. Boad, Edmund Littlefield, and William Wardell,

Wardell, we were fully ſatisfied that their church relation was diſolved, whereupon we adviſed them to deſiſt from further diſturbance of that place by aſſerting their pretended church relation, and to apply themſelves for the future to ſome other courſe, which might conduce more to the peace and ſettlement of the place, which if they ſhall neglect to do and ſhall continue their ungrounded aſſertion of their church relation, we profeſs ourſelves bound to bear witneſs againſt them for endangering the diſturbance of the peace and welfare of thoſe people unto whom (wee have cauſe to hope through the bleſſing of God) our endeavours for their their good, will prove ſucceſsful; and do therefore earneſtly deſire they may not be rendered fruitleſs by thoſe eſpecially who profeſs themſelves before others to be the children of peace. The court alſo proceeded to make this proteſtation, which was by the marſhall publickly publiſht.

Whereas we have declared the right of the Maſſachuſetts government to the town of Wells, Cape Porpus and Saco, and the inhabitants thereof being ſummoned, did appear before us at Wells on the 5th of July 1653, and acknowledged themſelves ſubject thereunto, and took the oath of freemen and fidelity to the ſaid government, which by us, their commiſſioners, have appointed and ſettled a government over them. We do therefore, hereby proteſt againſt all perſons whatſoever that ſhall challenge juriſdiction or exerciſe any act of authority over them or over any other perſons to the northward, inhabiting within the limits of our patents, which doth extend to the latitude of forty three degrees, forty three minutes, ſeventy two ſeconds, of northerly latitude, but what ſhall be derived from us the commiſſioners of the general court of the Maſſa-

chuſetts. Given under our hands at Wells in the county of York, 6th of July, 1653. Signed,

Richard Bellingham, Edward Rawſon,
Thomas Wiggin, Benjamin Pendleton.
Daniel Denniſon,

It was ordered alſo, that the ſelectmen of the town of Wells ſhall, and are hereby impowered to appoint a meet perſon to keep an ordinary there, for the entertainment of ſtrangers.

John Saunders and Jonathan Thing, as ſerjeants, are appointed to exerciſe the ſoldiery there.

At a court held at Wells by the abovementioned commiſſion the 5th July, 1653.

The inhabitants of Saco being by name, particularly called, made their appearance acccording to their ſummons, and thoſe whoſe names are hereunder written acknowledged themſelves ſubject to the government of the Maſſachuſetts, as witneſs their hands this 5th of July, 1653.

Thomas Williams, Thomas Rogers,
William Stradlock, Phillip Hinckſon,
Chriſtopher Hobbs, Peter Hill,
Thomas Redding, Robert Booth,
Jno. Weſt, Richard Cowman,
Thomas Hale, Ralph Triſtream,
Richard Hitchcock, George Barlow,
James Gibbins, Henry Waddock.

The commiſſioners judged it meete to grant them to be freemen, and accordingly gave them the freemen's oath which they took in open court. And whereas the inhabitants of Saco have acknowledged themſelves ſubject to the government of the Maſſachuſetts Bay in New England, as by their ſubſcriptions may appear. We the commiſſioners of the general court of the Maſſachuſetts

ſetts for the ſettling of government amongſt them and the reſt within the bounds of their charter northerly to the full and juſt extent of their line, have thought meet, and do actually grant,

1. That Saco ſhall be a townſhip by itſelf and allways ſhall be a part of Yorkſhire, and ſhall enjoy protection, equal acts of favour and juſtice with the reſt of the people inhabiting on the ſouth ſide of the river of Piſcataqua, or any other within the limits of our juriſdiction, and enjoy the priviledges of a towne as others of the juriſdiction have and do enjoy, with all other liberties and priviledges to other inhabitants in our juriſdiction.

2. That every inhabitant ſhall have and enjoy all their juſt proprieties, titles and intereſt, in the houſes and lands which they doe poſſeſs, whether by grant of the town poſſeſſion, or of the former general court.

3. That all the preſent inhabitants of Saco ſhall be freemen of the county, and having taken the oath of freemen, ſhall have liberty to give their votes for the election of the governor, aſſiſtants and other general officers of the country.

4. That the ſaid town ſhall have three men approved by the county court from year to year, to end ſmall cauſes as other the townſhips in the juriſdiction have where no magiſtrate is according to law; and for the preſent year Mr. Thomas Williams, Robert Booth, and John Weſt, are appointed and authorized to end all ſmall cauſes under forty ſhillings, according to law. And further, theſe commiſſioners or any two of them, are and ſhall be impowered and inveſted with full power and authority, as a magiſtrate to keep the peace, and in all civil cauſes to grant attachments and execution, if need require. Any of the ſaid commiſſioners have power to

examine offenders, to commit to priſon, unleſs bail be given according to law, and where theſe, or any of theſe, they ſhall judge needful, they ſhall have power to bind offenders to the peace, on good behaviour. Alſo, any of the commiſſioners have power to adminiſter oaths according to law, alſo marriage ſhall be ſolemnized by any of the commiſſioners according to law.

It is further hereby ordered and granted, that for this preſent year Mr. Thomas Williams, Robert Booth, and Jno. Weſt, ſhall be the ſelectmen to order the prudential affairs of the town of Saco for this year, and they took their reſpective oaths as commiſſioners or aſſociates uſed to do.

Laſtly it is granted that the inhabitants of Saco ſhall be from time to time exempted from all publick rates and that they ſhall always bear their own charges of the courts, and ariſing from amongſt themſelves. Ralph Trentrum was appointed conſtable there, and took his oath. William Stradlock was appointed clerk of the writs there, and alſo grand jury man for this year, and took his oath.

Richard Hitchcock, was appointed and authorized as a ſerjeant to exerciſe the ſoldiery at Saco.

The commiſſioners being informed that John Smith, of Saco is neceſſarily detained from coming to yield ſubjection to the government, and that it is his deſire to ſubject himſelf to the government, they do grant that on his acknowledgement of ſubjection to this government any two of the commiſſioners at Saco may, and hereby have liberty to give him the oath of a freeman. The like liberty on the like terms is granted to the commiſſioners of Wells to adminiſter the like oath

to

to Richard Ball, Richard Moore, John Elſon, Arthur Wormſtall and Edward Clark.

The commiſſioners being informed that Saco is deſtitute of a good miniſter, where is much deſired that all due care be taken to attain the ſame, and in the mean time that their peace may be preſerved, they do declare and order that Robert Booth ſhall have liberty to exerciſe his gifts for the edification of the people there. Several perſons complaining that George Barlow is a diſturbance to the place. The commiſſioners at their requeſt thought it meet to forbid the ſaid Barlow any more publickly to preach or prophecy there under the penalty of ten pounds for every offence.

It is ordered that the inhabitants of Wells, Saco and Cape Porpus, ſhall make ſufficient highways within their towns from houſe to houſe, and clear and fit for foot and cart, before the next county court, under the penalty of ten pounds for every town's defect in this particular, and that they lay out a ſufficient highway for horſe and foot between towns and towns within that time.

At a court held at Wells, 5th July, 1653. The inhabitants of Cape Porpus was called and made their appearance according to their ſummons and acknowledged themſelves ſubject to the government of the Maſſachuſetts as followeth.

We whoſe names are underwritten do acknowlege ourſelves ſubject to the government of Maſſachuſetts, as witneſs our hands,

Morgan Howell,
Chriſtopher Spurrell,
Thomas Warner,
Stephen Batons,
Gregory Hoſkeries,
Peter Tuebatt,
Griffin

Griffin Montague,	Jno. Cole,
Jno. Baker,	Simon Teoft,
William Renolls,	Andrew Buffey.

To theſe above mentioned alſo the commiſſioners granted they ſhould be freemen, and in open court gave them the freemen's oath. And further, whereas the town of Cape Porpus, have acknowledged themſelves ſubject to the government of the Maſſachuſetts Bay in New England, as by their ſubſcription may appear. Wee the commiſſioners of the general court of the Maſſachuſetts for the ſettling of government among them and the reſt within the bounds of their charter, northerly, to the full and juſt extent of their line, have thought meet and do actually grant,

1. That Cape Porpus, ſhall be a townſhip by itſelf and always ſhall be a part of Yorkſhire, and ſhall enjoy equal protection, acts of favour and juſtice, with the reſt of the people inhabiting on the ſouth ſide of the river Piſcataqua or any other within the limits of our juriſdiction, and enjoy the privileges of a town, as others of the juriſdiction have and do enjoy with all other liberties and priviledges granted to other inhabitants in our juriſdiction.

2. That every inhabitant ſhall have and enjoy all their juſt proprieties, titles and intereſt in the houſes and lands which they do poſſeſs whither by grant of the towns poſſeſſion or of the former general court.

3. That all the preſent inhabitants of Cape Porpus ſhall be freemen of the country, and having taken the oath of freemen, ſhall have liberty to give their votes for the election of the governour, aſſiſtants and other general officers of the country.

Morgan Howell of Cape Porpus, did acknowledge himſelf bound in fifty pounds to the treaſurer of the

county

county on this condition, that he will profecute his action againſt John Baker, at the next county court to be held at York. Griffin Montague was choſen and ſworn conſtable there.

Gregory Jefferys was choſen a grand juryman there for one year and took the oath accordingly.

Capt. Nicholas Shapleigh was choſen treaſurer for the county of Yorkſhire, and is allowed.

Richard Bellingham, *deputy governour*, Daniel Denniſon, Edward Rawſon.

The court having viewed this return by the commiſſioners that went to Wells, Saco, and Cape Porpoiſe, do approve thereof, provided that the county of York, bear their proportion of charge equal to and with other ſettlers. And ordered that due and hearty thanks be rendered to them by this court, for their pains and ſervices therein, and ſhall be willing and ready to make them further ſatisfaction in the grant of ſome lands to each of them, reſpectively, when any ſhall be preſented.

The matter of religion had a great effect on the minds of the people: hence aroſe the objection which is mentioned in the proceedings of the commiſſioners, that the inhabitants of Cape Porpoiſe could not ſubmit conſiſtently with the tenor and obligation of their church government. The commiſſioners in the plenitude of their power, diſſolved the church connexion, and thus relieved the conſciences of thoſe, who were labouring under thoſe ſcruples.

John Smith was one of the grantees of the Plough Patent, and did not perſonally ſubmit; but the commiſſioners readily received his excuſe of ill health, and took his ſubmiſſion by proxy.

In

In the year 1653, Edward Riſhworth was a member of the general court at Boſton, from York, and John Wincall from Kittery; he then lived in that part of Kittery which is now Berwick, at Salmon Falls. Thoſe towns continued from that time to the reſtoration to ſend repreſentatives to Boſton.

It has been mentioned, that matters of private intereſt had weight with thoſe inhabitants of Saco who ſubmitted to Maſſachuſetts. This obſervation is ſupported by the fact, as recorded on Saco records, that on the twelfth of July 1653, the freemen of Saco met and admitted many others to that freedom, which they had obtained from the commiſſioners; and divided the meadows among them. Edward Rigby, in his letter of 1652, charges his agents there, with embezzelling his property. There was not much order eſtabliſhed under the regulation of 1653: there was a party ſtill oppoſed to Maſſachuſetts, the leaders of which were, Joſſylyn, Jordon, and Benython.

This Benython was the ſon of Richard, who firſt came over to Saco. It is not certain when Richard made his exit. His grave remains on the eaſt ſide of Saco river, at a place called Rendezvous Point.* He could never be cordial to Maſſachuſetts, which had invaded, and taken the Province of Maine from Gorges.

Of all the men who were named by Gorges as counſellors, none of them have left any poſterity of the male line in the territory, nor is the name of any one of them, excepting that of Jocelyn, to be found in New England.

* The parties were warm and abuſive in thoſe times, which occaſioned an illnatured inſcription on the grave of the patentee.

"Here lies Benighton the ſagamore of Saco,
He lived a rogue, and died a knave, and went to Hockomocko,

England. He continued in the Province of Maine, until Scarborough was deſtroyed by the Indians, and then went into the colony of Plymouth, where his poſterity remain.

Jordan ſucceeded Trelawney, in his right in the plough patent, as has been already mentioned. Henry Jocelyn removed to Scarborough as one of Gorges' council. Theſe, together with John Benython, were principals in the oppoſition to Maſſachuſetts. In the year 1657, that government found it neceſſary to take deciſive meaſures againſt them; and therefore cauſed Joſſylyn and Jordon to be apprehended, and bound to appear before the general court in Boſton. Benython abſconded, ſo that he could not be apprehended, whereupon the general court iſſued an edict of outlawry againſt him, which yet remains on the general court records, and from a copy of which, here given, we may judge of the determined reſolution of the government of Maſſachuſetts, to ſupport its authority in every part of the Province of Maine.

"Colony of Maſſachuſets Bay.—At a general court held 1658.—Whereas the town of Saco, within the line of our pattent, in or near the bounds whereof John Bonighton liveth, have generally ſubmitted themſelves and their lands to the government and juriſdiction of the Maſſachuſetts: and whereas there are great and frequent complaints made to this court, by ſeveral credible perſons, that the ſaid Bonighton, attending no government, doth moleſt both his neighbours, and others that occaſionally traffic or fiſh in thoſe parts, and by his outrageous carriages hath maimed ſome, and put others in danger of their lives, by his lawleſs and imperious actions. And whereas legal courſes have

been

been taken, and much patience have been uſed for his reducement into ſome tollerable demeanor, hitherto not only in vain, but inſtead of complyance, he hath ſent contemptuous and rayling returns to this government or authority here. Whereupon, this court conſidering the premiſes, doth declare the ſaid Bonighton a rebel, or common enemy, and intend to proceed againſt him accordingly; yet becauſe this court is very loth to uſe extremities, if it may ſtand with juſtice our peace and honor to exerciſe ſome further delay, therefore this court doth hereby expreſs themſelves willing to give the ſaid Bonighton time till the firſt day of Auguſt next, peaceably to render himſelf into the hands of the governor, and ſuch other of the magiſtrates as ſhall then be in or near Boſton, that his caſe being duly and ſeaſonably conſidered, there may be ſuch an iſſue put to the ſame, as ſhall be meet; which clemency thus tendered, if neglected or contemned, it is reſolved by this court, to proceed againſt him as a rebel or common enemy, to the people of theſe parts of New England and this government, in ſpecial to the people inhabiting near unto the place of his reſidence. And further this court doth impower any perſon that hath ſubmitted to this government after the firſt of Auguſt, to apprehend the ſaid Bonighton by force, and bring him, alive or dead, to Boſton, declaring and proclaiming, that whoſoever ſhall ſo do, ſhall have twenty pounds paid him for his ſervice to the country, out of the common treaſury, which may be levied, with other charges, upon the ſaid Bonighton, his eſtate."

Jordan and Joſſylin appeared in 1657, before the general court at Boſton, and had their recognizance diſcharged. Benython held out until the next year, when

when he made his ſubmiſſion, and had the proceſs, or edict of outlawry againſt him reverſed.

A court was holden at Falmouth in July 1658, by Samuel Symonds, Thomas Wiggins, Nicholas Shapleigh, and Edward Riſhworth, who were ſtiled, "the commiſſioners of the general court for ſettling of the civil government in the remote parts of our patent."

A proclamation of pardon was iſſued by the commiſſioners for Benython, in the words following, as it ſtands recorded in the records of York county.

"Whereas John Benighton for ſeveral offences mentioned in a proclamation of the laſt general court, had time aforded him for his yielding himſelf into the hands of authority; and to give ſatisfaction touching the ſame, otherwiſe after the firſt of September to ſtand in peril of his life, as by the ſaid proclamation doth appear, and whereas the court ſent us their commiſſioners, whoſe names are hereunder written, inveſted with power, amongſt other things, to grant protection and immunities, and to ſettle the government in Yorkſhire to the utmoſt extent of their line; the ſaid Benighton did perſonally appear before us, ſetting in open court, and after ſome time ſpent in ſetting forth the evils of ſuch miſcarriages, and provoking offences, as were ſet forth in ſaid proclamation mentioned, he the ſaid Benighton, made his full and ſatisfying acknowledgement under his hand, and yielded, and ſubſcribed his ſubjection to this government, whereby any man may now have his legal courſe in any civil action againſt him. The people of theſe parts, alſo having fully ſubmitted themſelves unto the government of the Maſſachuſetts; wherefore we thought it neceſſary forthwith, to make this matter known throughout the country, that the dangers of the

life

life of the ſaid John Benighton may be prevented, which if henceforth any ſhould attempt it, is contrary to the intent of the general court, the end being obtained which was intended, namely, his reducement; and we hereby declare his diſcharge." Signed by the commiſſioners.

Though the general court had extended the juriſdiction of the Maſſachuſetts government, as far as Falmouth, yet the magiſtrates were cautious of going further at that time. In the year 1657, one Elizabeth Way, commenced an action againſt Thomas Purchas, who was an ancient ſettler at Pegypſcott, and he having pleaded to the courts juriſdiction, the jury returned a verdict in his favour. But the commiſſioners who held the court, being zealous in the execution of their commiſſion, refuſed to record the verdict; whereupon the cauſe, according to the then exiſting laws, was brought before the general court at Boſton, to be decided there. The general court, upon a conſideration of the matter, ſaid they were not ſatisfied that the plantation where Purchas lived, was within the Maſſachuſetts juriſdiction; but in 1671, they employed Mountjoy to run a new patent line, and carried it eaſt of the mouth of Sagadahock.

The country from Falmouth incluſively, to Piſcataqua River, was in a ſtate of obedience to the Maſſachuſetts, and there appeared to be tranquillity eſtabliſhed for three or four years. At this period however, the government had doubts of its property in the ſoil, and therefore allowed individuals to purchaſe of the natives, nearly all the lands in the Diſtrict.

There was, ſoon after, a violent oppoſition to the government, on an idea of reviving the provinces of

Gorges

Gorges and Rigby. In 1663, the government regranted all the lands in Falmouth: and in that year William Hilton of Arundle, was fined for tearing off the seal of a warrant for electing a deputy, in open contempt of the authority. Francis Chapernoon, Nicholas Shapleigh, Richard Hitchcocke, Triſtram Stone, James Gibbins, Nicholas Edgcomb, Edward Saunders, John Smith, Thomas Rogers, John Broughton, were puniſhed for oppoſing the government. Thomas Wiggins was fined for ſwearing by God, that if a diſh of fiſh which he had in his hands, was poiſon, he would give it to the Bay magiſtrates. When he was brought into court he denied their authority, and ſaid he was a marſhall under Gorges; but he was laid under bonds for his good behaviour. The town of Scarborough, was fined for diſobedience, and Robert Ford was fined for ſaying that John Cotton was a liar and had gone to hell. Francis Neal, and Francis Small were puniſhed for contempt. That Francis Small, was in company with Nicholas Shapleigh, and had purchaſed large tracts of land of the Indians in the country, between the Oſſipees, which is held under his purchaſe at this day.

Gorges in ſelling his province to Maſſachuſetts, reſerved to William Phillips, the lands which Phillips had purchaſed of the Indians. The deeds of Phillips and Small were, in ſome inſtances, incompatible. Small had been obnoxious to the government, and when it was poſſeſſed of Gorges' right, Small became diſcouraged and went away to Plymouth colony, and his title was dormant until 1770, when the claim was revived by his heirs, and ſupported by proof of their anceſtors' poſſeſſion.*

When

* Depoſitions in trial at York, Small's proprietors, *v.* Libby.

When John Benython died is not known; he left a daughter, who married Richard Foxwell, who in her right became ſeized of Benython's half of the patent to Lewis and Benython, a part of which is now in the poſſeſſion of Thomas Cutts, Eſq. of Pepperellborough, her great grandſon.

When Charles II. was reſtored to his kingdom, he did not contend againſt the extent of the charter, but wiſhed to eſtabliſh a royal government over the whole country.

When his commiſſioners arrived in New England, the old claim under Gorges began to revive. In 1665, Robert Carr, George Cartwright, and Samuel Maverick, the commiſſioners from Charles, came into the Province of Maine, and attempted to erect a government. They appointed courts and commiſſioned magiſtrates under the duke of York, and in the name of the king. This kind of government continued until the year 1668, when ſome of the principal inhabitants being greatly oppreſſed with the tyranny of the commiſſioners, in their ſupport of Gorges' claim, made application to the general court of Maſſachuſetts, to take the country again under its protection, and juriſdiction. The Indian deeds were by the commiſſioners, conſidered as void, and all the diviſions of lands on the rights of freemen, as well as the grants under Lygonia, were ſet aſide, and the old idea of quit rents was brought up again, and made the foundation of all freehold eſtates.

The general court iſſued a proclamation profeſſing loyalty to the king, ſupporting their charter rights, and requiring the inhabitants of the county to yield obedience to the colony: and directed them alſo, to chuſe

officers

officers according to the regulations which had before been eſtabliſhed within the county. The proclamation, as on the records of the general court, is as follows.

"Whereas this colony of the Maſſachuſetts in obſervance of the truſt to them committed by his majeſty's royal charter, with the full and free conſent and ſubmiſſion of the inhabitants of the county of York, for ſundry years, did exerciſe government over the people of that county, and whereas about three years now paſt, ſome interruption hath been made to the peace of that place, and order there eſtabliſhed, by the impoſition of ſome who pretended to ſerve his majeſty's intereſt with unjuſt aſperſions, and reflections up to this government here eſtabliſhed by his royal charter, have unwarrantably drawn the inhabitants of that county to ſubmiſſion unto officers that have no royal warranty, thereby infringing the liberty of our charter and depriving the people now ſettled of their juſt priviledges, the effect whereof doth now appear to be not only a diſſervice to his majeſty, but alſo the reducing a people that were found under an orderly eſtabliſhment to a confuſed anarchy. The premiſes being duly conſidered, this court doth judge meet, as in duty they ſtand bound to God and his majeſty, to declare their reſolution again to exert their power of juriſdiction over the inhabitants of the ſaid county of York, and do hereby accordingly in his majeſty's name, require all and every of the inhabitants there ſettled to yield obedience to the laws of this colony, as they have been orderly publiſhed, and to all ſuch officers as ſhall be there legally eſtabliſhed by authority of his majeſty's royal charter, and the order of our commiſſioners, whom this court hath nominated and impowered to ſettle all

affairs

affairs neceſſary for the government of the people there, and to keep a court this preſent ſummer the firſt Tueſday in July, at York town, as hath been formerly accuſtomed, and for that end, we have commanded our ſecretary to iſſue out warrants to the inhabitants there in their reſpective towns, to meet to chuſe jurors, both grand and petit, conſtables and other officers for the ſervice of that county as the law requireth, the ſaid warrant to be directed unto Nathaniel Maſterſon, who is by the court appointed Marſhall of that court as formerly, and by him the ſaid warrants are to be delivered to the ſeveral conſtables to be accordingly executed, a due obſervance whereof, with an orderly return to be made to the court to be held as aforeſaid, is hereby required of all perſons reſpectively concerned, as they will anſwer the contrary at their peril.

By the court. EDWARD RAWSON, *Sec'y.*

The commiſſioners appointed were, major general Leverett, Mr. Edward Tyng, captain Waldron, and captain Pike. They made return to the general court, who gave them thanks for their good ſervices, allowed and approved of what they had done, and ordered their proceedings to be entered upon their records as followeth.

Upon receipt of this court's commiſſion, which is recorded in the laſt ſeſſion, we preſently appointed Peter Wyer, clerk of the writs, and hearing Maſterſon, appointed by the court, was impriſoned, we appointed another marſhall, by warrant under our hands, but the former marſhall being ſet at liberty, the other did not act. The court being by law to be kept in York, the firſt Tueſday of July, 1668, being the 7th day of the month, we repaired to York on Monday the ſixth day.

Mr.

Mr. Jocelin and ſeveral others ſtiled juſtices of the peace, coming nigh to the ordinary where we were before the door, after ſalutes paſſed, they told us they deſired to ſpeak with us in the morning. To their deſires we complied, and gave them a meeting, where we acquainted them we were ready to hear what they had to ſay, but not as ſent to treat with them about what we had to do by virtue of the general court's commiſſion. They acquainted us that they had lately received, in a pacquet from colonel Nichols, his letter to the governour, and magiſtrates of the Maſſachuſetts colony, which they deſired us to read, and firſt their commiſſion, the which we read, and having read them, we told them that thoſe concerned the general court and had been under their conſideration, all by the letter from colonel Nichols, and that they had ſent their declaration into the county, ſo that we had nothing to ſay, only that we did not underſtand that the commiſſioners had power to make any ſuch temporary ſettlement, his majeſty having before him the caſe, for that the Maſſachuſetts had in obedience ſent their reaſons why they did not deliver up the government of that country to Mr. Gorges, which was according to his majeſty's command. Then Mr. Jocelin told us there was not above five or ſix of a town for us; to which we replied we ſhould ſee by the returns made to the court's warrants and appearances, and further told them we muſt attend our commiſſion, in proſecution whereof we ſhould attend his majeſty's and the country's ſervice, not our own, and if we met with oppoſition, we ſhould adviſe what to do. Many other things paſſed, but with mutual reſpect. They ſaid they muſt attend their commiſſion. We parted and repaired to the meeting houſe,

and there opened the court by reading our commiſſion publickly and declaring to the people wherefore we came, whereto there was great ſilence and attention. Then by the marſhall we called for the town returns to be brought in for the election of aſſociates, and returns were made from five towns, the other two being hindred (as they ſaid) by the juſtices, yet in one of them, above half the electors ſent in their votes; whilſt the court was buſy in opening, ſorting, and telling the votes, the juſtices came, and without doors, by ſome inſtrument, made proclamation that all ſhould attend to hear his majeſty's commands, upon which orders were given to the marſhall, and accordingly he made proclamation, that if any had any from his majeſty they coming and ſhewing it to the court, the court was open and ready to hear the ſame. Thereupon theſe gentlemen came in and manifeſted their deſire that what they had ſhewn to us in private might be read in court to the people; to whom we replied, that the court was in the midſt of their buſineſs, in opening the returns of the county, from the ſeveral towns of election, and ſo ſoon as that was over, and after dinner, they ſhould have their deſire granted; ſo they left us, and we proceeded to ſee who were choſen aſſociates, had the returns of the jurymen and their names entered, both the grand jury and that of trials, alſo of the conſtables, but did not ſwear any one, but adjourned the court and went to dinner; in which time we heard that the gentlemen were going to the meeting houſe to ſit as an aſſembly, they having before iſſued out their warrants for the towns to ſend their deputies, whereupon we ſent to ſpeak with them after dinner. They returned they would not proceed any further till we

ſpake

ſpake with them. We ſent them word we did engage it. They ſent us word they would meet with us at the meeting houſe, and preſently after their marſhall and Nathaniel Phillips, went up and down, and at all public places publiſhed a paper or writing, whom meeting upon their return, it was demanded what, and upon what authority, they had publiſhed to the people to make a diſturbance, they anſwered, they publiſhed what they had, in the king's name; they were demanded to ſhew their order or authority; they anſwered, that was for their ſecurity; ſo refuſing to ſhew it, they were committed to the marſhall. Then we went to court, where we found the houſe full and the gentlemen to have taken up our ſeats, ſo room being made, we went up to them, and told them we expected other things than that they would have put ſuch an affront upon the court, nor ſhould motions hinder us from proſecuting our commiſſion; we could keep the court elſewhere. Some of the people began to ſpeak, but we commanded ſilence, and the officer was commanded by us to clear the court, whereupon Mr. Jocelin ſpake to ſome nigh him to depart; ſo they coming from their ſeat we came to private diſcourſe, and they inſiſted to have their commiſſion and the king's mandamus of 1666, to be read; we told them we would perform what we had promiſed when the court was ſet, ſo we repaired to our ſeat, and they being ſet by us deſired that their commiſſion might be read, which was done, and the grounds of it expreſſed to be from the people's petitioning, who were told that they could beſt give anſwer thereto, but ſaid nothing; then that part of the mandamus of 1666, which they deſired might be read, was read. After which they deſired that Col. Nichols' let-

ter to the governour and magiſtrates of the Maſſachuſetts, might be read, but that not being of concernment to them there, ſave only for information of the juſtices, of what had paſſed from him to the governor and magiſtrates to whom it was directed, it was refuſed; ſome ſhort account being publickly given, that which had been read, for the matter, having been before under the conſideration of the general court, they had the declaration of their intendments, in proſecution whereof we were commiſſionated to keep court, and ſettle country, which work we had begun, and God willing, would proſecute, to perform the truſt committed to us, and have declared to the people that we were not inſenſible how that at the time of the interruption of the government, in the year 1665, by ſuch of the gentlemen of the kings commiſſioners as were then upon the place, they had manifeſted their diſpleaſure by telling the people that the Maſſachuſetts were traitors, rebels, and diſobedient to his majeſty, the reward whereof, within one year, they ſaid, ſhould be retributed, yet we told them, that through the good hand of God and the king's favor the Maſſachuſetts were an authority to aſſert their right of government there, by virtue of the royal charter derived to them from his majeſty's royal predeceſſors, and that we did not doubt but that the Maſſachuſetts colony's actings for the forwarding his majeſty's ſervice, would outſpeak others words, where there was nothing but words for themſelves or againſt us. Which done, the gentlemen left us, and we proceeded to the work of the court, to impannel the grand jury, gave them their oaths and charge, and then the aſſociates preſent we called to take their oaths, one of them, viz. Mr. Roger Plaiſted, expreſſed publickly,

that

that he was ſent by the town he lived in, accordingly he had applied himſelf to the major general more privately, to know how we reaſſumed the government, and how they were to ſubmit to it, which he now mentioned in public that he might render himſelf faithful to them that ſent him; to which he was anſwered in publick as he had been in private, that we reaſſumed the government by virtue of the charter, and that they were to have the like previledges with ourſelves in the other counties. We had alſo, from Scarborough, a paper preſented, which we herewith preſent to the court. Then having ſworn the conſtables preſent, impannelled the jury for trials, ſworn them, and committed what actions were entered and proſecuted to them, in which time the gentlemen ſent to deſire that at our leiſure time they might ſpeak with us; they were ſent for, and preſented us with a paper. After we had received it, we attended to ſettle the buſineſs of the military officers, and trained bands, and commiſſionated for York, Job Alcock lieutenant, Arthur Bragdon enſign, for Wells, John Littlefield lieutenant, Francis Littlefield jun. enſign, for Scarborough Andrew Augur lieutenant, for Falmouth George Ingerfield lieutenant, for Kittery Charles Froſt captain, Roger Plaiſted lieutenant, John Gaffingſley enſign, for Saco, Bryan Pendleton major, and he to ſettle Black Point. Mr. Knight of Wells, the morning before we came away, being Thurſday the 9th of July, came and took his oath in court, to ſerve as an aſſociate. The court made an order for a county court to be held the 15th of September, there at York, and for that end continued the commiſſion to Capt. Waldron, Capt. Pike, and others, for the better ſtrengthening the au-

thority upon the place, as by their commiſſion may appear. The aſſociates that are now in place are, major Pendleton, Mr. Francis Cotterell, Mr. Knight of Wells, Mr. Raynes of York, Mr. Roger Plaiſted of Kittery. Which is humbly ſubmitted to the honourable general court, as the return of your ſervants,

John Leveret,
The 23d of October, 1668. Edward Tyng,
Richard Waldron."

John Joſſylyn, a brother to Henry the counſellor, under the government of Gorges, made a ſecond voyage to America in the year 1663; and tarried in the country at Scarborough, then called Black Point, where his brother's ſeat was. He gave a ſhort account of this revolution; he wrote under great prejudices, and does not deſerve much credit as a hiſtorian. He calls the Province of Maine, the country of the Troquoes; and ſaid it had been called Laconia, or New Somerſetſhire: that it belonged to the grandſon of Sir Ferdinando Gorges; and that, "Sir Ferdinando had expended twenty thouſand pounds in planting ſeveral parts of New England, and when between three or four ſcore years old, did perſonally engage in our royal maſter's ſervice, and particularly at the ſiege of Briſtow; and was plundered and impriſoned ſeveral times, by reaſon whereof, he was diſcountenanced by the pretended commiſſioners for foreign plantations, and his province encroached upon by Maſſachuſetts colony, who aſſumed the government thereof."

He ſays that the king's commiſſioners attempted to reduce the Maſſachuſetts to its proper bounds, and to put Gorges in poſſeſſion again; but that as ſoon as the commiſſioners had appointed judges, and other magiſtrates,

trates, and had eſtabliſhed laws and ordinances for the government of the province, they went to England, whereupon the Maſſachuſetts government came with an armed force of foot and horſe, expelled the judges from their benches, and uſurped the government.

The force uſed by the government over the people in Caſco, was in the year 1668, and by this the country was again reduced to a ſubjection to the Maſſachuſetts juriſdiction; and Richard Collicut was ſent as repreſentative from Falmouth to the general court in Boſton in the year 1668, and in the year 1669. This would no doubt have been a very ſerious buſineſs, but Gorges, the ſucceſſor of Sir Ferdinando, was a man of no reſolution, was exceedingly neceſſitous, and became quite diſcouraged as to proſecuting the project of a province. Indeed it had become quite impracticable; for all the lands on the ſea coaſt had been taken up under other titles; and to have turned the people out of poſſeſſion, would have required great force, and the effecting of it would have depopulated his territory. Beſides this, the tenor of the people's conduct, in New England, gave convincing proof, that the project of manors, quit rents, &c. could never be rendered ſucceſsful here; and the ideas of riches from the diſcovery of the precious metals, and other fortuitous means, were only deluſory, and could not be depended on. This was a favourable moment to put an end to all the controverſy, by purchaſing his right in the country. He carried his complaint before the king and council, againſt the uſurpation of Maſſachuſetts; but while the matter was in diſcuſſion, the agents for Maſſachuſetts offered Gorges twelve hundred pounds ſterling for his province, which he accepted, and made a conveyance

to Mr. Uſher. The king was diſpleaſed at the purchaſe, and demanded an aſſignment of the patent to himſelf, that he might protect his ſubjects there, from the ſuppoſed abuſe, which they would ſuffer from the colony government,* and offered to pay the conſideration money which the agents had given. The agents agreed to reſtrict the colony patent to where it now is, three miles north of the mouth of Merrimack River, and to reſign their claim to lands within Maſon's grant, which is now the Province of New Hampſhire, into the royal hands. That territory had been greatly under the Maſſachuſetts, from the year 1641. Thus the great and long controverſy was amicably ſettled by the parties in intereſt.

The Indian war which was commenced in the year 1675, rendered the Province of Maine of leſs conſideration than it had been before in the eſtimation of its new owners and lords proprietors. There was no kind of government attempted upon it after the commencement of the Indian wars, until the year 1679, but the remains of the old government, faintly ſupported the rights of the people, and defended their property againſt invaders. There was but little call for the exerciſe of civil authority, while the Savages were committing depredations on the inhabitants. Nor was there any regular eſtabliſhed civil authority, in any part of the diſtrict, between the years 1675 and 1692.

The new lords of the ſoil ſeemed doubtful, whether the territory could be governed by the laws of the Maſſachuſetts colony, as the claim of juriſdiction had been withdrawn from it. On the whole, they concluded to conſider it as the province of a colony, and to govern

* Hutchinſon.

govern it by a deputy governour, according to the civil tenor of the grant originally made to Sir Ferdinando Gorges.

Thomas Danforth was appointed preſident of the province in the year 1679. Mr. Danforth was the ſon of a clergyman in England; he was born in the year 1622, lived at Cambridge, and as governour Hutchinſon ſays, had a great ſhare in the conduct of publick meaſures; he was an aſſiſtant in the year 1659, and lived until the year 1699. In the year 1681, he appeared as a zealous defender of his country's chartered rights, and was at the head of the oppoſition againſt the unjuſt claims of the royal prerogatives upon the chartered colonies. Mr. Danforth left no male iſſue, but had ſeveral daughters. Mr. Foxcroft, now of Cambridge, deſcended from him in the female line; he had two brothers, the one a clergyman of Roxbury, from whom deſcended the late judge Danforth, of Middleſex county, and a phyſician of that name, now living in Boſton, and well known for his learning and uſefulneſs. The other brother was a miniſter in Billerica.

The tranſactions under preſident Danforth, were not very memorable; he opened his court at York, and granted ſeveral parcels of land, more eſpecially about Caſco. Where there were different grantees claiming under Gorges and Rigby, he did what he could to quiet the controverſy; having a regard to priority of poſſeſſion. He was a man of great integrity, and fairneſs of dealing, and no man could, in the ſame circumſtances, have acted with more prudence and wiſdom than he did. The people did by no means reliſh the ſubordination in which they were attempted to be placed by the ſale of the Province of Maine, and many

of

of them were inveterately oppoſed to the Maſſachuſetts as a government. Danforth came occaſionally into the Province of Maine, but reſided at Cambridge, and in 1681, was oppoſed to Dudley as a candidate for governour of Maſſachuſetts, and came within thirty votes of a choice.*

The government of the Province of Maine was further weakened, by an expectation that a general government would be ſent over by king James, and the idea of Kirk's being appointed, depreſſed the republicans exceedingly. This alarm had not ſubſided when Sir Edmund Androſs arrived in 1696, as governour of New England. This at once put an end to Danforth's government over the Province of Maine.

Sir Edmund Androſs took poſſeſſion of the fort at Pemaquid, and claimed a right to govern as far eaſt as St. Croix: he raiſed an army of eight hundred men, and marched with them into the eaſtern country in the winter ſeaſon. They ſuffered greatly, but found no enemy. He erected a fort on Pejepſcott falls in Brunſwick, and placed a garriſon there, under the command of Brockholt, who was one of his counſel.

When Sir Edmund was arreſted, and ſent home, and the revolution of 1688 had taken place, the Province of Maine ſeemed to be neglected by Maſſachuſetts, with reſpect to matters of civil concernment; the war raged in every part of it, and the whole country, excepting Kittery, York, and Wells was deſtroyed by the Savages, or abandoned by the inhabitants. Thus ſituated, when a new arrangement was made in 1692, the country could be conſidered as only a burden to the

* Hutchinſon.

the colony, or province, with which it ſhould be connected; but as the Maſſachuſetts had purchaſed the ſoil, they were content to take the burden of protecting the territory as far as the Province of Maine extended; and it was an object to obtain a control over Acadie, leſt ſome change in government ſhould again put it in the power of the French crown. On theſe ideas, Maſſachuſetts, as one colony, extended from Rhode Iſland and Connecticut to St. Croix, embraced the diſtrict as a part of its government, and has to this day continued in that ſituation.

But the charter of 1692, incorporated the Province of Maine, and the lands between Nova Scotia and Sagadahock River, with the old colony of Maſſachuſetts; with the proviſion already mentioned, that the general court ſhould not grant any lands in Acadie, or eaſt of Kenebeck River, without the conſent of the crown. In the charter, there was a reſervation of all the pine trees of twenty four inches diameter, for the uſe of his majeſty, his heirs and ſucceſſors. On this reſervation, acts of parliament were made, prohibiting the cutting of pine trees under very ſevere penalties, recoverable in the admiralty courts. The crown would not truſt a jury to try cauſes ariſing on the ſuppoſed breaches of thoſe acts of parliament. Agents were appointed to take care of the pine trees; but as the country was cleared, fires were kindled, which run into the foreſts, and deſtroyed the pine timber, wherever it came. Moreover, as the foreſt trees were cut down, the tall pines became unable, when unſhielded by the leſſer woods againſt the winds, to withſtand the ſtorms. The agents generally, for their own emolument, gave licenſe to cut ſuch trees for other uſes, as would not an-

ſwer

ſwer for navy maſts, and ſent deputies to mark the trees which were to be preſerved; this was managed generally on the principles of bribery and corruption, and while the agent and his deputies became rich, great havock was made amongſt the king's trees. The governours of New Hampſhire were the the laſt agents before the revolution. One John Bridges, who came over with lord Bellamont, was the firſt ſurveyor, and had orders to ſurvey all the woods, but the people reſiſted him. When the charter government of 1692, began to exiſt, the counſellors were nominated by Mr. Mather the agent, and appointed by the king. Sylvanus Davis, who lived then at Sheepſcott, was appointed for Sagadahoc, but in the election of the next year was left out, and never after choſen. Alcot and Donnell were counſellors from the Province of Maine, afterwards, for ſeveral years. There was a war with both the French and Indians, when this new government commenced, and continued until the peace of Ryſwick in 1698; when all the country, as far eaſt as the river St. Croix, was ceded to the crown. A peace was made the next year with the Indians; but Villebon, governour of St. Johns, wrote governour Stoughton a letter in 1668, which is found in a marginal note in governour Hutchinſon's hiſtory, and on the council records, claiming the lands as far as Kenebeck. "I am (ſays he) ordered by his majeſty to maintain the bounds between New England and us, which are from the head of Kenebeck River unto its mouth, leaving the courſe of the river free unto both nations; and I expect that you will no longer conſider the Indians inhabiting there as your ſubjects." The French erected a church on Kenebeck River, and continued their claim to the country.

They

They were attacked and driven away by colonel Church; and the taking of Port Royal, in 1710, and the peace of Utrecht, in 1712, ſettled the matter as to claim of territory between the nations.

The king of Pruſſia, in the third volume of his works, Berlin edition, ſays, that this ceſſion was made in 1712, by the French crown, with an intention to detach queen Ann from the powers in Europe, then at war with the French; and without any intention, finally, to yield the territory of Acadie to the Britiſh crown. The ſubſequent conduct of the French court was correſpondent to that idea.

In the year 1718, the next conflict commenced reſpecting the territory. One captain Coram projected a ſcheme for ſettling Nova Scotia, and the territory of Acadie, for the purpoſe of raiſing hemp, making pitch, &c. but he did not ſucceed. By the charter of 1692, the crown could not grant the lands without the conſent of the province; and the government gave Dummer, the agent, orders not to make any conceſſion of the kind. In the year 1730, Coram procured an order to Mr. Phillips, governour of Nova Scotia, to take poſſeſſion of the county between St. Croix and Kenebeck River, and a party was ſent to take poſſeſſion of Pemaquid. Colonel Dunbar came over and took the command of the fort, and ſet up a government over that part of the country. The general court requeſted governour Belcher to defend the right of the Province of Maſſachuſetts, againſt the intruſion; whereupon he iſſued his proclamation, exhorting the people to obedience, fidelity and ſubjection. Dunbar came to Boſton, and treated the governour with illiberal reproaches; but the minds of the people were

ſo

ſo much enraged againſt him, that he could not proceed in his government, and was obliged to give it over.

The proprietors under Beauchamp and Leveret, of what is now called the Waldo patent, became intereſted in the controverſy, and appointed brigadier general Waldo their agent. He went to England on the buſineſs. Sir Biby Lake was likewiſe united with him, and the proprietors under Eldrige and Aldſworth lent their aid, becauſe their patent was involved in the general danger.

The Maſſachuſetts inſtructed its agent on the ſubject, and ſent an account of their acts of poſſeſſion, relying much on the ſurvey in 1671, made by Mountjoy; which included St. Georges, Damaris Cove, Monhegan, and part of Pemaquid. The agent had alſo thoſe extracts from the record of Maſſachuſetts, which related to the acts of authority exerciſed over that part of the country, prior to the charter of 1692. The moſt forcible of which are here inſerted.

Boſton, March 7th, 1673.

Preſent, John Leveret, govr. Samuel Simons, dept. govr. Richard Ruſſell, Thomas Danforth, Edward Tyng, and Thomas Clark, Eſqrs. and appointed conſtables for Kennebeck, Cape Nawagen, Damaris Cove, and Pemaquid.

March, 1701.

Capt. Sylvanus Davis, gives this account of the ſeveral Engliſh ſettlements that he hath known to be formerly at, and to the eaſtward of Kenebeck, or Sagadahock, along the ſea coaſt to Mintinicus. Sundry Engliſh fiſhing places, ſome 70, and ſome 40 years ſince.

At

At Sagadahock many families, and 10 boats. Sometimes more.

At Cape Nawagen many families, and 15 boats.

At Hypocris Iſland, 2 boats.

At Damaris Cove.	15.	fiſhing veſſells.
At Two Bacon Gutt.	fiſhermen	
At Holmes Iſland.		
At Pemaquid.	5	
At New Harbour.	6	
At Monhegan, near	20	
At St. Gorges fiſhers.		
At Mintinicus Iſland.	20	

Farmers Eaſtward.

At and near Sagadahock,	20	Farmers.
Eaſt ſide of Sagadahock to Mery Meeting,	31	
From Cape Nawagen to Pemaquid,	6	
At Pemaquid,	15	
At New Harbour,	10	
At St. Georges, weſt ſide, Mr. Foxwell,	1	St. Georges 84 Families.
At Saquid Point, 60 years agone,		
On the eaſt ſide of Quiſquamego,	1	
Philip Swaden, fifty years ago, beſides fiſhermen 60 or 70 years.	84	

Within Land.

Between Kenebeck and Georges River,	12
At Sheepſcot town, beſides farms,	50
Between Sheepſcot and Damariſcotta River,	10
At Damariſcotta,	7 or 8
Between Damariſcotta, Miſconcus, and Pemaquid and Round Pond.	12
	91 fam.

Many

Many more had began to ſettle, many taken lots with intent ſpeedily to ſettle, but were diſappointed by the war. Beſides the great improvements, houſes, mills, ſtores, maulting, building ſhips and veſſels, the inhabitants daily increaſing. Monhegan Iſland was ſold by Mr. Jennings of Plimouth, to Alderman Aldwarth and Mr. Gyles Elbridge, March Anno 1626, and improved ever ſince till the war, 1688. Pemaquid 12000 acres bounded from the head of Damariſcotta River to the head of Miſconcus River, thence to the ſea, with all iſlands within three leagues. In the ſame grant 100 acres to every paſſenger, and 50 acres to every perſon born there within ſeven years, amounts to about eighty perſons. Granted by the council of Plimouth, to Alderman Aldworth, and ſaid Elbridge 1629, and poſſeſſion given by their attorney, Capt. Walter Neal, of 12000 acres.

From Sagadahock to Pemaquid, is 6
From Pemaquid to St. Georges River, is 5 } leagues.
From Pemaquid to Monhegan Iſland, 4

Leverets patent is from Miſconcus to Penobſcott River, 10 leagues into the land.

A copy taken from commiſſioners from the governor and council, book No. 5.

Memo. That the aforementioned Sylvanus Davis, was by the charter appointed firſt councellor for thoſe lands to the eaſtward of Sagadahock, and was a dweller at, and well acquainted with thoſe parts.

The whole being referred to the board of trade, they called the province agent before them, and a ſtate of the caſe was ordered to be drawn up, ſetting forth the province's claim; how little expence the province had been at in defending or improving the country, the

conqueſt

conqueſt made in 1696, by the French, and the reconqueſt in 1710; and the lords of trade referred this ſtate, with the two following queries ſubjoined, to the conſideration of the attorney and ſolicitor general, viz.

1. Whether the inhabitants of the Maſſachuſetts Bay, if they ever had any right to the government of the tract of land, lying between St. Croix and Kenebeck, have not, by their neglect, and even refuſal to defend and take care of, and improve the ſame, forfeited their ſaid right to the government, and what right they had under their charter, and now have to the lands.

2. Whether by the ſaid tracts being conquered by the French, and afterwards reconquered by general Nicholſon, in the late Queen's time, and yielded up by France to Great Britain, by the treaty of Utrecht, that part of the charter relating thereto, became vacated, and whether the government of that tract, and the lands thereof, are not abſolutely reveſted in the crown, and whether the crown has not thereby, ſufficient power to appoint governors, and aſſign lands to ſuch families as ſhall be deſirous to ſettle there.

The attorney and ſolicitor general, heard council on behalf of the crown, and on behalf of the province, and proprietors; and on the 11th of Auguſt, 1731, made report, viz.

That upon conſidering the ſaid caſe and queiries, and the evidence laid before them, and what was alleged on all ſides, it appeared to them, that the tract of land, lying between the rivers of Kenebeck and St. Croix, was (among other things) granted by the ſaid charter, to the inhabitants of Maſſachuſetts Bay, &c. Alſo that the right of government granted to the ſaid province, extended over this tract of land.

That it did not appear to them, that the inhabitants of the ſaid province, had been guilty of any ſuch neglect or refuſal, to defend this part of the country, as could create a forfeiture of their ſubordinate right of government over the ſame; or of the property in the ſoil that was granted to them by the ſaid charter. It being ſworn by ſeveral affidavits, that a fort was erected there, and for ſome time defended at the charge of the province, &c.

And as to the queſtion ſtated in the caſe, upon the effect of the conqueſt of that tract of the country by the French, and the reconqueſt thereof by general Nicholſon, they conceive, that the ſaid tract, not having been yielded by the crown of England to France by any treaty, the conqueſt thereof by the French, created according to the law of nations, only a ſuſpenſion of the property of the former owners, and not an extinguiſhment: and that upon the reconqueſt of it by general Nicholſon, all the ancient rights both of the province, and private perſons, ſubjects of the crown of Great Britain, did revive and were reſtored, *jure poſt liminii*, for which reaſons, they were of opinion, that the ſaid charter ſtill remained in force, and that the crown hath not power to appoint a particular governour over this part of the province, or to aſſign land to perſons deſirous to ſettle there, &c.

This report was made in the year 1732, and ſettled the controverſy.

The whole diſtrict remained in one county until the year 1761, by the name of the county of York. The courts of common pleas were held at York, and Falmouth, and the ſuperiour court at York.

In the year abovementioned, an act was paſſed bounding the county of York on the eaſt of New Hampſhire,

Hampſhire, extending on the ſea to the eaſt corner of what was then Biddeford, now Pepperrelborough, and comprehending the town of Biddeford, and the plantation of Narraganſett, number one, now Buxton, and on the head of the town laſt mentioned, to Saco River, then up the river as far as a plantation then called Pearſontown extends thereon, and running north two degrees weſt to the head of the province.

The above line from the eaſt corner of Pepperrelborough, gives the weſt line of a new county then created and called the county of Cumberland. The eaſt ſide line of this county begins at Small Point and runs northweſterly upon Caſco Bay to New Meadows River, then up the river to Stevens' Carrying Place, then acroſs that carrying place to Merry Meeting Bay and Androſcoggin river, then up that river thirty miles, and from thence north two degrees weſt, to the utmoſt northern limits of the province, including all the iſlands in Caſco Bay. All the reſidue of the diſtrict was called the county of Lincoln. The inferior courts were held at Falmouth, for Cumberland county, and at Pownalborough, for Lincoln. The ſuperiour court was held at Falmouth for both counties.

Since the revolution, the county of Lincoln has been divided into three counties; one of which retains the former name, and the ſupreme judicial court ſits in it, for that, and the other two, which are called Hancock and Waſhington. Hancock is next to Lincoln, and is bounded weſt by Lincoln county, and on the eaſt by the northeaſt corner of Gouldſborough, and extending north to the Highlands and to Canada line.

Waſhington comprehends all the territory between Hancock and the Province of New Brunſwick, and

ought to be extended to the St. Croix, or what the natives called the Magacadava, but the Engliſh have crouded in on the ſtates as far as the Cobſcook.

This extenſive country is ſo large and populous, and its ſituation ſo peculiar, that it cannot remain long a part of the commonwealth of Maſſachuſetts; but the difficulty of fixing on a ſeat of government, and that of travelling from one part to another of the extenſive territory, and the reluctance which the inhabitants of the weſtern part, have to going further eaſt on governmental concerns, will for a while prevent a ſeparation from the weſtern part of the ſtate, and retard the commencement of a new government in the northern part of United America. But whenever the people can agree upon and procure a ſeparation, it will give an energy to their public conduct, and a ſpirit of enterprize to their private exertions, which can never be produced by any other means. Events of ſuch magnitude, generally take place as ſoon as the nature of things and a proper concurrence of circumſtances render it fit and proper. While we lament the proſpect of loſing a part of our civil ſociety, and ſuffer under the diſagreeable apprehenſions of being deprived in ſome meaſure of the advantage of our political acquaintance with ſo many good and valuable characters, we rejoice in the anticipation of that elevated proſperity, and high degree of importance, to which the Diſtrict muſt, from its peculiar advantages, be finally raiſed.

APPENDIX.

APPENDIX.

No. I.—Page 124.

Grant of the Province of Maine to Sir Ferdinando Gorges, April 3, 1639.

CHARLES by the grace of God, king of England, Scotland, France and Ireland, defender of the faith, &c. To all to whome theſe preſents ſhall come greeting. Whereas Sir Ferdinando Georges knight, hath bin an humble ſuitor unto us, to grante and confirme unto him and his heirs a part and portion of the country of America, nowe commonly called or knowne by the name of New England in America, in theſe preſents hereafter deſcribed, by the metes, and bounds thereof, with divers and ſundry privilidges, and juriſdictions, for the welfare and good of the ſtate of thoſe colonies that ſhall be drawn thither, and for the better government of the people that ſhall inhabite within the limits and precincts thereof, which parte and portion of the ſaid country we have, amongſt other thinges, for us, our heirs and ſucceſſors, taken into our actual and real poſſeſſion, and in defaulte of ſuch actuall and real poſſeſſion, formerly taken, We do by theſe preſents, for us, our heirs and ſucceſſors, take the ſame into our actuall and real poſſeſſion. Know yee, therefore, that of our ſpeciall grace, certaine knowledge, and mere motion, wee have given, graunted, and confirmed, and by theſe preſents, for us, our heirs and ſucceſſors, doe give, grante and confirme unto the ſaide Sir Ferdinando Georges, his heirs and aſſignes, all that parte, purparte and portion of the main land of New England, aforeſaid, begining at the entrance of Paſcataway Harbour, and ſoe to paſſe up the ſame into the river Newichawocke, and through the ſame into the fartheſt head thereof, and from thence northweſtwards till one hundred and twenty miles be finiſhed, and from Paſcataway Harbour mouth aforeſaid, northeaſtwards, along the ſea coaſt to Sagedebadocke, and up the river thereof to Kenebecky River, and through the ſame to the heade thereof, and unto the land northweſtwarde, until one hundred and twentie milles be ended, being accounted from the mouth of Sagedebadocke, and from the period of one hundred and twenty miles aforeſaid, to croſſe over land to the hundred and twentie miles end, formerly reconed up into the land from Paſcataway Harbour, through Newichawocke River, and alſo, the north halfe of the Illes of Shoals, together with the Illes of Capawock, and Nautican, nere Capocod; as alſo, all the iſlands and illets, lying within five leagues of the maine, all along the ſaid coaſts, between the ſaid rivers of Piſcataway and Sagedebadocke, with all the creeks, havens, and harbours thereunto belonginge, and the revercion and revercions, remainder and remainders, of all and ſingular, the ſaid lands, rivers, and premiſes; all which, ſaid parte, purparte or portion, of the ſaide maine lande, and all and every the premiſes herein before named, wee doe, for us, our heirs and ſucceſſors, create and incorporate into one province or county; and we do

name, ordayne and appoint, that the portion of the maine land and premiſes aforeſaid, ſhall forever hereafter, be called and named the Province or Countie of Maine, and not by any other name or names whatſoever; with all and ſingular, the ſoyles and grounds thereof, as well drye as covered with waters, and all waters, ports, havens, and creeks of the ſea, and inletts of the Province of Maine, and premiſes, or to them or any of them, belonging or adjacent, as alſo all woods, trees, lakes, and rivers, within the ſaid Province of Maine, and premiſes or limits of the ſame, together with the fiſhings of what kindes ſoever, as well pearles as fiſh, as whales, ſturgeons, or any other, either in the ſea or ryvers, and alſo, all royalties of haukeing, hunteinge, fowleing, warren, and chaſes within the ſaid Province of Maine, and premiſſes aforeſaide, deer of all ſorts, and all other beaſts and fowles of warren and chaſe, and all other beaſts there, and alſoe, all mynes, and oare of gould, ſilver, precious ſtones, tinne, lead, copper, ſulphure, brimſtone, or any other metal or mineral matter whatſoever, within the ſaid province or premiſes, or any of them, opened or hidden, and all quarrice there, and all gould, pearle, ſilver, pretious ſtones, and ambergreece, which ſhall be found in the ſaid province and premiſes, or any of them, and the lymits and coaſts of the ſame, or any of them, or any parte of them, or any of them, and all and ſingular other profits, benefits and comodities, groweing, comeing, accrewing, or happeninge, or to be had, perceaved, or taken within the ſaid province and premiſes, limits and coaſts of the ſame, or any of them; and alſo, all patronadges and advowſons, free diſpoſitions and donacions, of all, and every ſuch churches and chappeles, as ſhall be made and erected within the ſaid province and premiſes, or any of them, with full power, licence and authority, to build and erect, or cauſe to be built and erected, ſoe many churches and chappelles there, as to the ſaid Sir Ferdinando Georges, his heirs and aſſignes, ſhall ſeeme meete and convenient, and to dedicate and conſecrate the ſame, or cauſe the ſame to be dedicated and conſecrated, according to the eccleſiaſticall lawes of this our realme of England; together with all and ſingular, and as large and ample rights, juriſdictions, priviledges, prerogatives, royallties, liberties, imunties, fraunchiſſes and hereditaments, as well by ſea as by land, within the ſaid province and premiſes, and the precincts and coaſts of the ſame, or any of them, or within the ſeas belonging or adjacent to them, or any of them, as the biſhop of Durham, within the biſhoprike or countie palatine, of Dureſme in our kingdome of England, now hath, uſeth or injoyeth, or of right ought to have, uſe and injoy, within the ſaid county palatine, as if the ſame were herein perticularly mentioned and expreſſed. To have and hould, poſſeſſe and injoy the ſaid province and premiſes, and every of them, and all and ſingular other the premiſſes, before graunted or mencioned and intended to be graunted, with theire and every of theire rights, members, and appurtenances, unto the ſaid Sir Ferdinando Georges, his heirs and aſſigns, and to the ſole only uſe of the ſaid Sir Ferdinando Georges, his heirs and aſſigns forever; to be houlden of us, our heirs and ſucceſſors, as of the mannor of Eaſt Greenwich, in the countie of Kent, by fealty only, in free and comon ſocage, and not in Capite nor in Knight's ſervice, for all manner of ſervices whatſoever, yeelding and paying therefor yearly, to us, our heirs and ſucceſſors, one quarter of wheat, and alſo yeelding and paying to us, our heirs and ſucceſſors, the fifth part of the cleare yearly profit of our royall mines of gould and ſilver, that from time to time, and at all tymes hereafter, ſhal be there

gotten

gotten and obteyned, and the fifth parte of all gould found upon the sea shore, or in rivers, or elsewhere, within the bounds and limitts of the said province and premises, and the fifth parte of the cleare yearly profit of pearle fishings; and wee doe, for us, our heires and successors, further graunte unto the said Sir Ferdinando Georges, his heirs and assignes for ever, all treasure, troves, goods and chattels, of fellons, and of fellons themselves, waives, estraites, pirratts goods, deodons, fines, and amerciaments of all the inhabitants, and others hapeninge, growing, or arising in the said province and other the premises, or any part thereof, or in any voiadge or passage to and from the same, as well for offences committed against ourselves, our heirs and successors, or things concerning ourselfes, our heirs and successors, or our profitt, as against others, or things concerning others, or the profit of others, and all and all manner of wracks of ships or merchandize, and all that which to wracks belongith, by what means soever, hapening within, or upon the havens, creeks, coasts, or shoares of the premises, or any part thereof. And we do, for us, our heires and successors, create, ordaine and constitute the said Sir Ferdinando Georges, his heires and assignes, the true and absolute lords and proprietors of all, and every, the aforesaid Province of Maine and premises aforesaid, and all and every, the limits and coasts thereof, saving always the faith and allegeance, and the supreame dominion due to us, our heirs and successors; and for the better government of such, our subjects and others, as shall at any time hapen to dwell or reside within the said province or premises, or passe to or from the same, our will and pleasure is that the religion now professed in the church of England, and ecclesiasticall government now used in the same, shall be ever hereafter professed, and with as much convenient speed as may bee settled and established, in and throughout the said province and premisses, and every of them; and wee doe, for us, our heirs and successors, give and grante unto the saide Sir Ferdinando Georges, his heirs and assignes, power and authoritie, with the assent of the greater parte of the freeholders of the said province and premises, for the time being, when there shall be any to be called thereunto, from time to time, when and as often as shall be requisite, to make and ordeyne and publish lawes, ordinances and constitucions, reasonable and not repugnant and contrary, but agreeable as nere as conveniently may bee, to the lawes of England, for the publique good of the said province and premisses, and of the inhabitants thereof, by imposing of penalties, imprisonment or other corrections, or if the offence shall require by taking away of life or member, the said lawes and constitutions, to extend as well to such as shal be passing unto, or returning from the said province or premises, as unto the inhabitants, or residents, of or within the same, and the same to be put in execution by the said Sir Ferdinando Georges, his heirs or assignes, or by his or their deputies, lifetenants, judges, officers or ministers in that behalfe, lawfully authorised; and the same lawes, ordinances and constitucions, or any of them, to alter change and revoke, or to make voide and to make new, not repugnant nor contrary, but agreable as nere as may bee, to the laws of England, as the said Sir Ferdinando Georges, his heires and assignes, together with the said freehoulders, or the greater part of them for the time being, shall from time to time, thinke fit and convenient. And wee doe further by these presents, for us, our heires and successors, give and graunt unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, and that it shall and may be lawfull to and for him, the said Sir

Ferdinando Georges, his heires and assignes, to erect courts of justice, as well ecclesiasticall as civill and temporall whatsoever, and to appoint and constitute from tyme, judges, justices, majistrates, officers, as well of the said courts, and courts of justice, as otherwise, as well by sea as by land, for the hearing and determining of all manner of causes whatsoever, within and concerning the province and premisses, or any of them, or the inhabitants and residents there, and passengers to and from the same, as well by land as by sea, and to order and appoint what matters and thinges shall be heard, determined, done or ordered in any of the said courts, or by any of the said judges, majistrates, and officers, with such power and such forms as it shall seem good to the said Sir Ferdinando Georges, his heires or assignes, and the said judges, justices, magistrates, and officers, and every or any of them, from time to time, to displace and remove, when the said Sir Ferdinando Georges, his heires or assignes, shall thinke fitt, and to place others in their rooms and stead; and that the inhabitants and residents within the said province and premises, and passengers to and from the same, may within fortie dayes after sentence given in the said courts, where appeales in like courtes within this kingdome are admitted, appeale to the said Sir Ferdinando, his heires or assignes, or his or their general governour or chief deputie, of the said province or premises, for the time being, to whom we doe, by these presents, for us, our heirs and successors, give full power and authoritie to proceed in such appeales, as in like cases of appeal within this our realme of England. And we doe further, for us, our heirs and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie to pardon, remit, and release all offences and offendors, within the said province and premisses, against all, every, or any of the said lawes, ordinances, and constitucions, and to do all, and singular other things, unto the execution of justice appertaining, in any courts of justice, according to the forme and manner in such courts to be used, although in these our letters pattents, there be no particular mention of the same: but we doe, nevertheless, hereby signify our will and pleasure to be, that the powers and authorities, hereby given unto the said Sir Ferdinando Georges, his heires and assignes, for and concerning the government, both ecclesiasticall and civill, within the said province and premisses, shal be subordinate and subject to the power and reglement of the lords and other commissioners here, for foreign plantations, for the time being; but for all and whatsoever doth, shall, or may concerne the propertie of the said province, partes, and coastes of the same, or any of them, or any ownership in any lands, tenements, or other hereditaments, goods or chattels, or the nominating or appointing any officer, or officers, the same is left wholly to the said Sir Ferdinando Georges, his heires and assignes, according to the tenor, intent, and true meaning of these presents. And because such assemblies of freeholders, for making of lawes, cannot alwayes be so suddenly called, as there may bee occasion to require the same, we do therefore, for us, our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, that he, the said Sir Ferdinando Georges, his heires and assignes, by him and themselves, or by his or their deputies, magistrates, and officers in that behalfe belonging, and lawfully constituted, shall or may, from time to time, make and ordevne fitt and wholesome ordinances, within the province or premises aforesaid, to be kept and established, as well for the keeping of peace as for the better government of the people

ple there abiding, or passing to and from the same, and to publish the same to all to whom it may appertaine or concerne: which ordinances we do, for us, our heires and successors, straightly commande to be inviolably observed, within the said province and premisses, under the penalties therin expressed, soe as the same ordinances be reasonable and not repugnant or contrary, but as neat as may be agreeable to the lawes and statutes of our kingdome of England, and soe as the same ordinances doe not extend to the binding, chardging, or takeing away of the right or interest of any person or persons in their lives, members, freeholds, goods or chattells whatsoever. And because in a country so farre distant, and seated amongst so many barbarous nations, the intrusions or invasions, as well of the barbarous people, as of pirates and other enemies may be justly feared. We doe therefore, for us, our heires and successors, give and grant unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, that he, the said Sir Ferdinando Georges, his heirs and assigns, as well by him and themselves, as by his and their deputies, captaines or other officers, for the time being, shall or lawfully may muster, leavy, rayse, arme, and implov all person and persons whatsoever, inhabiting and residing within the said province or premises, for the resisting or withstanding of such enemies or pirates, both at land and at sea, and such enemies and pirates, if occasion shall require, to pursue and prosecute, out of the limits of the said province or premises; and them, if it shall soe please God, to vanquish, apprehend, and take, and being taken, either according to the law of armes to kill, or keep and preserve them at theire pleasures; and likewise by force of armes to recover from any person or persons, all such territories, dominions, places, goods, chattells and wares, which hereafter shall be taken from the said Sir Ferdinando Georges, his heirs or assignes, or from his and theire deputies, officers or servents, or from any, the planters, inhabitants or residents within the said province or premisses, or from any other members, aiders or assisters of the said Sir Ferdinando Georges, his heires or assignes, or from any other, the subjects of us, our heires and successors, or others in amitie with us, our heirs and successors, in the said province and premises, and coasts, or any of them, or in their passadge to and from the same. And we doe further, for us, our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, in case any rebellion, sudden tumult, or mutiny, shall happen to arise, either upon the said land, within the said province or premises, or any of them, or coasts of the same, or upon the maine sea in passing thither or returning from thence, or in any such expedition or service as aforesaid, it shall and may be lawful to, and for the said Sir Ferdinando Georges, his heires and assignes, as well by him and themselves, as by his and theire deputies, captaines and other officers, under his or theire seale, in that behalfe to be authorized, to whom we also for us, our heires and successors, do give and graunte full power and authoritie to do and execute the same, to use and execute martiall lawe against such rebells, traitors, muttineers, and seditious persons, in as ample manner and forme as any captaine-generall in the warres, or as any lieutenant, or lieutenaunts of any countie within this our realme of England, by virtue of his or theire office or place may or have ben accustomed in time of warr, rebellion, or mutining, to doe and performe. And wee doe for us, our heires and successors, further give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, and to all and every

commander,

commander, governor, officer, minister, person and persons, which shall by the said Sir Ferdinando Georges, his heires or assignes, be thereunto authorised or appointed, leave, licence, and power to erect, rayse and builde, from time to time, in the province, territory and coasts aforesaide, and every or any of them, such and soe many forts, fortresses, platforms, castles, cities, townes and viladges, and all fortifications whatsoever, and the same and every of them to fortifie and furnish with ordinances, men, powder, shot, armour and all other weapons, munition, and habilliments of warr, both for defence and offence whatsoever, as to the said Sir Ferdinando Georges, his heires and assignes, and every or any of them, shall seeme meet and convenient; and likewise to comitt, from time to time, the government, custody, and defence thereof unto such person or persons, as to the said Sir Ferdinando Georges, his heires and assignes, shall seem meet. And to the said cities, boroughs, and townes, to graunt letters or charters of incorporasion, with all the liberties and things belonging to the same; and in the said severall citties, boroughs, and townes, to constitute such and soe many marketts, martts, and fayres, and to graunte such mete tolles, customes, dutties, previledges and fredomes to and with the same, as to the said Sir Ferdinando Georges, his heires or assignes, shall bee thought fitt. And for that plantacions are subject to divers difficulties and discomodities, therefore wee favoring the present beginning of the said plantation, and having a provident care, that those who are grieved in one thing may be releaved in another, do of our speciall grace, mere motion, and certain knowledge, for us, our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, and to all other our subjects the dwellers or inhabitants that shall at any time hereafter be the planters of, or in the said province or any of the premisses, free lycence and liberty for the landing, bringing in, unlading, or otherwise disposing of all the wares and merchandize, profitts and comodities of the said province or any of the premisses, both by sea and by land, either by themselves or their servants, factors or assignes, in any of the ports of us, our heires and successors, within our kingdome of England or Ireland, paying only such customes, subsidies, and dutties as our naturall born subjects of this our realme of England, shall or ought to pay, and now other; and to have and injoy all such liberties, freedoms and priviledges, for and concerning the exporting of the same againe, without paying any more customes or duttyes, and for having a gain of impost in such manner, and in the like beneficiall sorte as any of our naturall borne subjects of this our realme, shall then have and injoy: and we doe for us, our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, full and absolute power and authoritie, to make erect and appoint, within the said province and premisses, such and so many ports, havens, creeks, and other places for the lading and unlading of ships, barques, and other vessels, and in such and soe many places, and to apoint such rights, jurisdictions, priviledges and liberties unto the said ports and havens, and creeks, belonging, as to him or them shall seem meete; and that all and singular shippes, hoyes, barques and other vessells to be laden and unladen in any way of merchandize, shall be laden and unladen at such portes, havens or creekes, soe by the said Sir Ferdinando Georges, his heires or assigns, to be made, erected and appointed, and not elsewhere within the said province premisses and coasts, and to appoint what

reasonable

reasonable tolles shall be paid for the same, and the same tolles to receive, take and enjoy, to the behoofe of the said Sir Ferdinando Georges, his heirs and assignes, to his and their own use, without any account thereof to be made to us, our heires and successors, any use matter or thing to the contrary, notwithstanding: Saving alwayes to all our subjects of our kingdom of England, liberty of fishing, as well in the sea, as in the creeks of the said province and premisses aforesaid, and drying of theire fish and drying of their netts ashoare of the saide province and any the premisses, any thing to the contrary thereof notwithstanding; which said liberties and priviledges our pleasure is, that the saide subjects of us our heires and successors, shall enjoy without any noteable damage or injury to be done to the saide Sir Ferdinando Georges, his heirs and assignes, or the inhabitants of the saide province or in any of the premisses, or in any of the portes, creekes, or shores aforesaide, but chiefly in the woods there growing: and we do further, for us, our heirs and successors, give and graunte unto the saide Sir Ferdinando Georges, his heires and assignes, full power and authoritie, to devide all or any parte of the territories hereby graunted or mencioned to be graunted as aforesaide, into provinces, counties, citties, towns, hundreds, and parishes or such other part or portions as he or they shall thinke fitt; and in them and every or any of them to appoint and allot out such portions of land for publique uses, ecclesiasticall and temporall, of what kind soever, and to distribute, graunte, assigne and sett over such perticular portians of the said territories, countyes, lands and premisses, unto such our subjects or the subjects of any other prince or state in amity with us, our heires or successors, for such estates, and in such manner and forms as to the said Sir Ferdinando Georges, his heires or assignes shall seeme meet and convenient, and the said person or persons, according to the said estate and estates, so assigned and graunted, to have and injoy the same, and to make erect and ordain in and uppon the said province and premisses, or on and uppon any of them, or any partes or parcel of them, soe many severall and distinct mannors as to the said Sir Ferdinando Georges, his heires and assignes from time to tyme shall seeme meete, and to the same severall mannors to assign lymitts, and to appoint so much land distinctly and severally for demesne lands of the said manors and every of them as to the said Sir Ferdinando Georges, his heires and assignes, shall and may seeme necessary and fitt; and the said mannors, or any of them to call by such name and names as the said Sir Ferdinando Georges, shall please; the said mannors to be houlden of the said Sir Ferdinando Georges, his heires or assignes, by such rents and services as to him or them shall seme meet: and also, that the said Sir Ferdinando Georges, his heires and assignes, shall and may at their pleasure, graunt in freehold soe much of the said demesne lands tenements and hereditaments belonging unto any of the said manors, to any person or persons their heires or assignes, for and under such rents and services as to the said Sir Ferdinando Gorges, his heires and assignes shall be thought fitt to be holden of the said Sir Ferdinando Georges, his heirs and assignes, as of the said mannors or any of them respectively, the acte of parliament made and enacted in the eighteenth yeare of king Edward the first, commonly called *Quia Emptores Terrarum*, or any other statute whatsoever, or any other matter or thing whatsoever to the contrary thereof in any wise notwithstanding; and that the said Sir Ferdinando Georges his heires and assignes, shall have, hold, and keepe within the said several mannors, soe to be made and erected, such and soe many courts, as well courts leites,

as

as courts barons, as to our lawes and ſtatutes of England ſhall be agreeable. And we doe further for us, our heires and ſucceſſors, give and graunte unto the ſaid Sir Ferdinando Georges, his heires and aſſignes for ever, all admirall rights, benefits, juriſdicons, and likewiſe all priviledges and comodities to the ſaid admirall juriſdicon in any wiſe belonging or apperteyninge in or upon the ſeas, rivers and coaſts of, or belonging to the ſaid province and premiſſes, and every or any of them, or within twentie leagues adjoining to the ſaid province or premiſſes, or any of them, and in and upon all other the creeks and rivers thereof; and likewiſe power to heare and determine all manner of pleas for, and concerning the ſame: ſaving alwayes to us our heires and ſucceſſors, and to the lord high admirall of England, for the tyme being of us our heires and ſucceſſors, all and all manner of juriſdicons, rights and powers, benefits and authoritiss whatſoever, incident or belonging to the ſaid office of high admirall, which it ſhall and may be lawfull from tyme to tyme to us our heires and ſucceſſors, or to the lord high admirall of England for the tyme being, to have, uſe and exerciſe within the ſaid province and premiſſes, and the ſeas and rivers thereof, or within twentie leagues of the ſame as aforeſaid, when wee ſhall thinke fitt. And we do further for us, our heires and ſucceſſors, give and graunte unto the ſaid Sir Ferdinando Georges, his heires and aſſignes, full power and authoritie, at any tyme or tymes hereafter, by him and themſelves, or by his and their deputies, to adminiſter reaſonable oathes to all judges, juſtices, magiſtrates and other officers whatſoever, by the ſaid Sir Ferdinando Georges his heires and aſſigns or theire deputies to be elected, at the election of them to their ſeverall offices and places, or within convenient tyme after; and allſoe that the ſaid Sir Ferdinando Georges his heirs and aſſignes, ſhall have full power and authoritie, as well by him or themſelves, as by his or theire deputies or other chiefe magiſtrates or officers, by him or them, in that behaulfe, to be appointed to give and adminiſter reaſonable oathes to all or any perſon or perſons of what degree or qualitie ſoever imployed or to be employed in or about the ſaid province premiſſes and territories aforeſaid, or any of them, or in or about the coaſtes of the ſame; and likewiſe to all or any inhabitant and others that ſhall be and remaine within the ſaid province and premiſſes or any of them, for the true and faithful execucon and performance of there ſeverall chardges and places, as for the examinacon and clearinge of the truth, and likewiſe for the informacon, and better direction of his and their judgments in any cauſe or matter whatſoever and concerning the ſaid Sir Ferdinando Gorges his heires or aſſignes, and any member, inhabitant or perſon belonginge or repairing to the ſaid province, and premiſſes, or any of them or any parte of them; and in all accons, cauſes, ſuits and debates, there to be begune and proſecuted as the nature of the cauſe ſhall require. And further of our more eſpecial grace mere motion and certain knowledge, wee doe herby for us our heires and ſucceſſors, graunte unto the ſaid Sir Ferdinando Georges, his heires and aſſignes, that it ſhall and may bee lawfull to and for the ſaid Sir Ferdinando Georges, his heires and aſſignes and every of them, from time to time, to ſet to ſea, ſuch and ſoe many ſhippes, pinaces, barques, boates, and other veſſells as ſhall be thought fitt by the ſaid Sir Ferdinando Georges, his heires and aſſignes, prepared and furniſhed with ordinance, artillerie, powder, ſhot, victualls, ammunicon, or other weapons, and habilliments of warre, as well invaſive as defenſive, in warlike manner or otherwiſe,

and

and with ſuch number of men women and children, as the ſaid Sir Ferdinando Georges, his heirs and aſſignes ſhall thinke fitt in ſuch voiadges into the ſaid iſlands and places, or any parts thereof as well for the plantacon and for fortificacon as otherwiſe, and that theſe preſents ſhall be a ſufficient licence and warrant for any perſon or perſons that ſhal be by him or them ſent and employed thither to goe beyond the ſeas, and in the manner ſoe as the perſons ſoe to be ſhipped ſent and tranſported as aforeſaid be not ſuch as are or for the time being ſhal be prohibited by proclamation of us our heires and ſucceſſors, or by any order or orders of the lords and other commiſſioners for foreigne plantacons for the time being. And we doe for us our heires and ſucceſſors, further covenant and graunte to and with the ſaid Sir Ferninando Georges, his heires and aſſignes, that only he the ſaid Sir Ferdinando Georges his heirs and aſſignes, and his or their factors, agents, and ſuch as ſhal be employed, ſent, licenced or allowed by him or them, and noe other perſon or perſons whatſoever (except before excepted) ſhall repaire or goe into the ſaid Providce of Maine and premiſſes aforeſaid, and the places within the limits and coaſts thereof, or any of them, to dwell inhabite and abide there, nor have, uſe, or injoy there the liberties uſe and priviledges of trade and traffique unto, in, or from the ſaid province and premiſſes or any of them, or buying, ſelling, bartering or exchanging for or with any wares, goods or merchandizes there, whatſoever, and likewiſe that it ſhall and may be lawful to and for the ſaid Sir Ferdinando Georges, his heires and aſſignes, and for all and every other perſon and perſons that ſhal be licenced or allowed by the ſaid Sir Ferdinando Georges, his heires and aſſignes, from henceforth and at all times, and from time to time, after the date of theſe our letters pattents, according to the orders and conſtitucons of the ſaid Sir Ferdinando Georges, his heires and aſſignes, not being repugnant to our proclamacons, and orders of the lords and others our commiſſioners aforeſaide, to take, convey, carry and tranſporte for and towards the plantacon of the ſaid province and premiſſes or any of them; or to be uſed there or in the paſſadge thether or returning thence; and there to leave, abide, and inhabite all ſuch, and ſoe many of our loving ſubjects or any other ſtraungers that will become our ſubjects and live under our allegiance, as ſhall willinglie tranſport themſelves, or be tranſported theither, and that ſuch our ſubjects or ſtraungers may, together with there perſons, ſend, carry, or convey thither, as well ſhipping, armour, weapons, munition, powder, ſhote, and habillements of war, as victualls, canvals, linen, woolen cloth, tooles, implements, furniture, ſwine and pullen goods, wares, merchandize of all kinds and ſorts whatſoever, fitt and neceſſary for the food and livelihood, habitacon, apparell or defence of our ſubjects which ſhall there inhabite or bee, and all other wares, merchandize, goods whatſoever, not prohibited by the lawes and ſtatutes of this our kingdome, paying cuſtom, and other dutties as other our ſubjects doe in ſuch caſes: and of our further royall favour we have graunted and by theſe preſents, for us, our heires and ſucceſſors, wee doe grante to the ſaid Sir Ferdinando Georges, his heires and aſſignes, that the aforeſaid province, rivers, and places hereby before mentioned to be granted or any of them, ſhall not be traded in or unto nor inhabited by any of the ſubjects of us, our heires and ſucceſſors, without the ſpeciall licence of the ſaid Sir Ferdinando Georges, his heires and aſſignes: and therefor we doe herby for us, our heires and ſucceſſors, further chardge and command, prohibit and forbide

all

all the subjects of us our heires and successors, of what degree qualitie or condicon soever they be, that none of them directlie or indirectlie presume to trade or adventure, to traffique in or from, nor to inhabite or habite in the said Province of Maine, islands, dominions, places, hereby menconed or intended to be granted, or any of them, other than the said Sir Ferdinando Georges his heires and assignes, and his and their deputies and factors, unless it be with the licence and consent of the said Sir Ferdinando Georges his heires and assignes, first had and obteyned in that behalfe under his or their hands and scales, under payne of our indignacon and, also of such penalties and punishments as by the lawes and ordinances of the said Sir Ferdinando Georges his heires and assignes to be made in that behalfe, shall be appointed; and wee doe further for us our heires and successors, graunt unto the said Sir Ferdinando Georges, his heires and assignes, that all and every the persons being the subjects of us our heires and successors which shall goe and inhabite within the said province and premisses or any of them, and all and every the posteritie and children descending of English, Scottish or Irish parents, which shall happen to be borne within the same or upon the seas, in passing thether, or from thence, and from henceforth ought to be and shal be reputed and taken to bee of the allegiance of us our heires and successors, and shal be able to plead and be impleaded shall have power and be able to take by a discent, purchase or otherwise, lands, tenements, or hereditaments and shall have and injoy all liberties franchises and immunities of or belonging to the naturall borne subjects of this our kingdome of England, within this our kingdome and within all other our dominions, to all intents and purposes as if they had bin abiding and borne within our kingdome or any other of our dominions: and wee do further for us, our heires and successors give full power and authoritie unto the said Sir Ferdinando Georges, his heires and assignes, or any person or persons to be thereunto nominated by the said Sir Ferdinando Georges his heires and assignes, to give and administer oaths of supremacy and allegiance, according to the formes now established within this our realme of England to all and every such person and persons as they shall thinke fitt, that shall at any time or tymes goe or passe into the said province and premisses or any of them, or shal be resident or abiding there. And our further will and pleasure is, and wee doe by these presents, for us, our heires and successors, covenant and graunte to and with the saide Sir Ferdinando Georges his heires and and assignes, that if the said Sir Ferdinando Georges, his heires and assignes shall at any time or tymes hereafter, upon any doubt which he or they shall conceive concerning the validity and strength of this our present grante be desirous to renew the same from us our heires or successors, with amendment of any such imperfecons and defects as shall appeare fitt and necessary to be reformed by us, our heires and successors, that then upon the humble peticon of the said Sir Ferdinando Georges his heires and assignes, such further and better assurance of all and singular the premisses before graunted or menconed and intended to be graunted according to the true mening of these our letters patent, shall from time to time by us our heires and successors be made and graunted unto the said Sir Ferdinando Georges, his heires and assignes, as by the atturney generall of us our heires and successors for the time being and the learned counsell of the said Sir Ferdinando Georges, his heires and assignes shall in that behalfe reasonably devised or advised; and further we doe hereby for us our heires and successors, chardge and commaad, all and singular admiralls, vice admiralls, generalls, commanders,

ers, captaines, juſtices of peace, maijors, ſheriffes, ballifes, conſtables, cuſtomers, comptrolleres, collectors, waiters, ſearcheres, and all other the officers and miniſters of us our heires and ſucceſſors whatſoever, as well now as hereafter for the time being, to be from time to tyme, in all things aiding and aſſiſting unto the ſaid Sir Ferdinando Georges, his heires and aſſignes, and to his and there officeres, factors and agents, and to every or any of them upon requeſt made, as they tender our pleaſure and will avoide the contrary at their perilles: and wee do will, and farther for us our heires and ſucceſſors doe declare and ordeyne that the ſaid province and premiſſes ſhall be immediately ſubject to our crown of England, and dependent upon the ſame forever. And further we will and by theſe preſents, for us, our heires and ſucceſſors doe grant to the ſaid Sir Ferdinando Georges, his heires and aſſignes, that theſe our letters pattents or the inrollment of them, ſhall be in all thinges, and to all intents and purpoſes, firme, good effectuall and ſufficient in law againſt us, our heires and ſucceſſors, as well in all courts as elſewhere, within our kingdome of England, or any other our kingdomes or dominiones as in the ſaid province or premiſſes aforeſaid, or any of them, and ſhall be conſtrued, reputed and taken as well according to the true meaning and intent, as to the words of the ſame, moſt benignely, favorably and beneficially, to and for the ſaid Sir Ferdinando Georges, his heires and aſſignes; no interpretation being made of any word or ſentence, whereby God's word, true chriſtian religion now taught, profeſſed and maintained, the fundamentall lawes of this our realme, or our allegaunce to us, our heires and ſucceſſors, may ſuffer prejudice or dimunicons; any omiſſion, miſinformation, want of certaine expreſſion of the contents limitts and bounds, or the certaine ſituacon of the ſaid province and premiſſes aforeſaid herby ment or intended to be graunted, or in what latitude or degree the ſame are, or any law ſtatute or other cauſe or matter to the contrary notwithſtanding. And although expreſs mencon be not made of the true yearly value or certaintie of the premiſſes or any of them, and notwithſtanding any miſnaming, and not certaine and perticular naming of the ſaid province, places, lands, teretories, hereditaments, and premiſſes whatſoever, before by theſe preſents given, graunted, confirmed, mencoued and intended to be graunted and confirmed, or any parte thereof, or the mis naming, or not naming, or not rightlie naminge of the degrees or coaſts wherein or whereupon the ſame or any of them do lie, or any acte of parliment, ſtatute, ordinance, proclamacon, or reſtraint heretofore made, ordeyned, or provided, or any other thinge, cauſe or matter to the contrary notwithſtanding. Nevertheleſs our intent and meaning is, that out of the premiſſes hereby graunted, or menconed to be graunted, there ſhal be alwaies ſaved and reſerved to all and every ſuch perſon and perſons as have or hath any lawful graunte or graunts of lands or plantacons lawfully ſettled in the deviſion and premiſſes aforeſaid, the free houlding and enjoying of his and there right, with the liberties thereunto appertaining, hee and they relinquiſhing and laying dowa his and theire *Juria Regalia*, if he or they have any, to the ſaid Sir Ferdinando Georges, his heires and aſſignes, whome wee have hereby made proprietor of the province, diviſion and premiſſes aforeſaid, and paying ſome ſmall acknowledgement to the ſaid Sir Ferdinando Georges, his heires and aſſignes, for that he or they are now to hold their lands anew of the ſaid Sir Ferdinando Georges, his heires and aſſignes.

In

In witneſs whereof, wee have cauſed theſe our letters to be made patents. Witneſs our ſelfe at Weſtminſter, the third day of Aprill, in the fifteenth yeare of our raigne.

The foregoing is a copy from the firſt book of the records of the court of common pleas and ſeſſions for the county of York, leaf 2d. and onwards. Examined by Daniel Sewall, aſſiſtant clerk of the common pleas and ſeſſions for York county. July 3, 1793.

No. II.—Page 234.

Deed to Wheelwright and others.

KNOW all men by theſe preſents, that I, Thomas Gorges deputy govr. of the Province of Mayne, according unto the power unto me granted from Sir Ferdinando Gorges, knight, proprietor of the ſaid province, being hereunto eſpecially moved, for divers good reaſons and conſiderations, have given, granted, bargained, ſayled, enfeoffed and confirmed, and by theſe preſents do give, grant, bargain, ſell, enfeoff and confirm unto Mr. John Wheelwright, paſter of the church of Exeter, his heirs and aſſigns, a tract of land lying at Wells, in the county of Summerſett, to be bounded as followeth, viz. all that neck of land next adjacent to the marſh on the north eaſt of Ogunquett River, with ſix ſcore acres of the ſaid marſh, next adjacent to the ſaid neck of land, being bounded towards the ſea with a crick of Ogunkigg River, alſo two hundred and four ſcore acres of upland, being next adjacent on the north weſt of the ſaid marſh, the ſaid neck being included within the ſaid number of 280 acres, the ſaid premiſſes to have and to hould unto him the ſaid John Wheelwright, his heirs and aſſignes forever, yielding therefor, and paying unto the ſaid Sir Ferdinando Gorges, his heirs and aſſigns, on the 29th of September yearly, and forever hereafter, the ſum of five ſhillings for every hundred acres that ſhall hereafter be made uſe of, either by incloſure or otherwiſe, for meadow or tillage, by the ſaid John Wheelwright, his heirs or aſſignes. In witneſs whereof I have hereunto ſet my hand and ſeal at Armes this 17th April 1643. Thomas Gorges dept. govr. Gorgeana, ſigned, ſealed and delivered in the preſence of us. Joſeph Hull, Will. Coole.

Vera copia taken out of the original. Edw. Riſhworth, Record.

There was another deed in 1643, from Thomas Gorges, deputy governor of the Province of Maine, wherein he granted to John Wheelwright, miniſter of the word of God, Henry Boade, and others, the lands in Wells, from the northeaſt ſide of Ocgungig River, to the weſt ſide of Kenebunk; on condition that they ſhould come to ſettle there, and pay a quit rent to Sir Ferdinando, of five ſhillings yearly for each hundred acres. This grant was the origin of Wells.

No.

No. III.—Page 234.

Another Deed to Wheelwright.

KNOW all men by theſe preſents, that we, Hen. Boad, and Ed. Riſhworth do, according to power given unto us, grant and allott unto John Wheelwright, paſtor of the church of Hampton, all that tract of land lying betwixt Ogunquett River and his farme, except that which is already allotted unto John Croſſe, which tract of upland is bounded on the ſouth eaſt ſide, with the marſhes, and on the north weſt ſide, is to be bounded with a ſtreight line from his, the ſaid John Wheelwright fence, ſet up on the north weſt ſide of his farme to the ſaid river of Ogunquett to have and to hold the ſaid land to him and his heirs forever. In witneſs whereof we have hereunto ſett our hands, Novr. 25. 1651. Hen. Boade, Edw. Riſhworth.

This deed with thoſe premiſſes above written, recorded 26 March 1653.

No. IV.—Page 257.

Poſton, Nov. 6th, 1676.

COVENANTS and agreements made and concluded by, and between the governour and council of Maſſachuſetts colony in New England, of the one part; and Mugg, Indian, in behalf of Madockawando, and Cheberina, ſachems of Penobſcott, on the other part.

1. Whereas the ſaid Mugg hath been ſent, and employed by the ſaid ſachems upon a treaty, with the ſaid governour and council relating to a concluſion of peace, doth hereby covenant and engage for himſelf and in behalf of the ſaid ſachems, that from henceforth they will ceaſe all acts of hoſtility, and hold an intire union and peace with all the Engliſh of the colonies in New England.

2. That immediately upon the ſaid Mugg's return, the ſaid ſachems ſhall deliver up unto ſuch Engliſhman, or men, as ſhall by order of the ſaid governour and council be ſent with him, all ſuch Engliſh captives, veſſels and goods whatſoever, arms and great artillery belonging to the Engliſh, as are in their cuſtody, or under their power, as have been taken from them during the time of the late hoſtility.

3. That they will uſe their utmoſt endeavours with all poſſible ſpeed to procure pay, wherewith to make full ſatisfaction unto the Engliſh, for all ſuch injuries, loſſes, and damages, as they have ſuſtained by them in their houſing, cattle, or other eſtate, during the time of the late hoſtility; or elſe to pay ſuch a number of beaver ſkins yearly, in order thereunto, as ſhall be agreed on between the ſaid ſachems, and ſuch perſon, or perſons as ſhall be ſent unto them from the ſaid governour and council for the ratification hereof, to be paid at ſuch time and place as ſhall be then agreed upon.

4. That

4. That upon condition of the Engliſh furniſhing them with powder and ammunition for their neceſſary ſupplies and maintenance, they do covenant and promiſe not to trade for, or buy powder or ammunition, but of ſuch perſons as ſhall from time to time be deputed by the governour for that end.

5. That if it doth appear that Walter Gendal, and the man ſent with him, in the veſſel from Piſcataway, with goods from Mr. Fryer, for the redemption of captives, according to agreement, or any of them, are ſurprized and ſlain by any of their Indians, or any other whom they can bring under their power, that they ſhall forthwith execute ſuch murderer, or murderers, or otherwiſe deliver them up into the hands of the Engliſh.

6. That if the Amaſcoggan or any other Indians in the eaſtern parts, that are in hoſtility with the Engliſh, ſhall not fully conſent unto theſe covenants and agreements but ſhall perſiſt in acts of hoſtility againſt the Engliſh, that then the ſaid ſachems ſhall and will hold all ſuch Indians to be their enemies, and to take up arms againſt them, and engage them as ſuch.

Laſtly. The ſaid Mugg, as a pledge and aſſurance of his own fidelity, and that he is impowered by the ſaid ſachems for the end aforeſaid, and for the performance of the aforementioned agreements, doth freely and willingly depoſit himſelf, and his life in the hands of the Engliſh, to remain with them as a hoſtage, until the ſaid captives, goods, and veſſels, ſhall be delivered up. Signed in preſence of

John Earthly,
Richard Oliver,
Iſaac Adington.

The ⋈ mark of
Mugg Indian.

This treaty was well obſerved by the Penobſcott tribe.

No. V.—Page 259.

The Council of War of their Majeſties Colony of New Plymouth in New England, to major Benjamin Church, Commander in Chief.

WHEREAS the Kenebeck and Eaſtern Indians, with the confederates, have openly made war upon their majeſties ſubjects, of the Provinces of Maine, New Hampſhire, and of the Maſſachuſetts colony, having committed many barbarous murders, ſpoils and rapines, upon their perſons and eſtates. And whereas there are ſome forces of ſoalders, Engliſh and Indians, now raiſed and detached out of the ſeveral regiments and places within this colony of New Plymouth, to go forth to the aſſiſtance of our neighbours and friends of the aforeſaid provinces and colony of the Maſſachuſetts, ſubjects of one and the ſame crown: and to joyn with their forces, for the repelling and diſtruction of the common enemy. And whereas you, Benjamin Church, are appointed to be major and commander in chief of all the forces, Engliſh and Indians, detached within this colony, for the ſervice of their majeſties as aforeſaid.

Theſe

These are in their majesties name, to authorize and require you to take into your care and conduct, all the said forces, English and Indians, and diligently to intend that service, by leading and exercising of your inferior officers and soldiers, commanding them to obey you as their chief commander, and to pursue, fight, take, kill or distroy the said enemies, their aiders and abetters, by all the ways and means you can, as you shall have opportunity. And you to observe and obey all such orders and instructions as from time to time you shall receive from the commissioners of the colonies, the council of war of this colony, or the governour and council of the Massachusetts colony.

In testimony whereof, the public seal of the said colony of New Plymouth is hereunto affixed. Dated in Plymouth the sixth day of September, Anno Dom. 1689. Annoque Regni Regis et Reginæ Willielmi et Marie, Angliæ, &c. Primo. Thomas Hinkley, President.

And now marching them all down to Boston, then received his further orders and instructions, which are as follows.

Boston, September 16th, 1689.

To all sheriffs, marshalls, constables, and other officers military and civil, in their majesties Province of Maine.

Whereas, pursuant to an agreement of the commissioners of the united colonies, major Benjamin Church, is commissionated commander in chief over that part of their majesties forces, (levyed for the present expedition against the common enemy) whose head quarters are appointed to be at Falmouth in Casco Bay. In their majesties names, you, and every of you, are required to be aiding and assisting to the said major Church, in his pursute of the enemy, as any emergency shall require, and to impress boats or other vessells, carts, carrages, horses, oxen, provision and amunition, and men for guides, &c. as you shall receive warrents from the said chief commander, or his lieutenant so to do. You may not fail to do the same speedily and effectually, as you will answer your neglect and contempt of their majesties authority and service, at your uttermost Peril. Given under my hand and seal the day and year above writted. Annoque Regni Regis et Reginæ Willielmi et Mariæ, Primo. By Thomas Danforth, President of the Province of Maine.

By the governor and council of the Massachusetts colony to major Benjamin Church.

Whereas you are appointed and commissioned by the council of war, of the colony of New Plymouth, Commander in chief of the forces raised within the said colony against the common Indian enemy, now ordered into the eastern parts, to joyn with some of the forces of this colony, for the prosecution repelling and subduing of the said enemy. It is therefore ordered that Capt. Simon Willard, and Capt. Nathaniel Hall, with the two companies of souldiers under their several command, belonging to this colony now in or about Casco Bay, be and are hereby put under you, as their commander in chief for this present expedition. And in pursuance of the commissions severally given to either of them, they are ordered to observe and obey your orders and directions as their commander in chief untill further order from the governor and council or the commissioners of the colonies. Dated in Boston, the 17th day of

September, Anno Dom. 1689. Annoque Regni Regis et Reginæ, Guilielmi et Mariæ Angliæ, &c. Primo. S. Bradſtreet, gov.
Paſt in council, Atteſt, Iſaac Addington, Secretary.

By the commiſſioners of the colonies of the Maſſachuſetts, Plymouth and Connecticut, for managing the preſent war againſt the common enemy.

Inſtructions for major Benjamin Church, commander in chief of the Plymouth forces, with others of the Maſſachuſetts, put under his command. In purſuance of the commiſſion given you for their mageſties ſervice, in the preſent expedition againſt the common Indian enemy, their aidors and abettors: repoſing confidence in your wiſdom, prudence and fidelity, in the truſt committed to you, for the honor of God, good of his people, and the ſecurity of the intereſt of Chriſt in his churches, expecting and praying, that in your dependance upon him, you may be helped and aſſiſted, with all that grace and wiſdom which is requiſite, for carrying you on with ſucceſs in this difficult ſervice. And though much is, and muſt be left to your diſcretion, as providence and opportunity may preſent from time to time, in places of attendance. Yet the following inſtructions are commended unto your obſervation, and to be attended ſo far as the ſtate of matters with you will admit. You are, with all poſſible ſpeed, to take care that the Plymouth forces, both Engliſh and Indians, under your command be fixed and ready, and the firſt opportunity of wind and weather, to go on board ſuch veſſells as are provided to tranſport you and them to Caſco, where if it ſhall pleaſe God you arrive, you are to take under your care and command, the companies of Capt. Nathaniel Hall and Capt. Simon Willard, who are ordered to attend your command, whom together with the Plymouth forces, and ſuch as from time to time may be added unto you: you are to improve in ſuch a way as you may ſee meet, for the diſcovering, purſuing, ſubduing, and diſtroying the ſaid common enemy, by all opportunities you are capable of; always intending the preſerving any of the near towns from incurtions, and diſtruction of the enemy, yet chiefly improving your men for finding and following the ſaid enemy abroad, and if poſſible to find out and attack their head quarters and principal rendevouz. If you find you are in a rational capacity of ſo doing, the better to enable you thereto, we have ordered two men of war ſloops, and other ſmall veſſells for tranſportation, to attend you for ſome conſiderable time. You are to ſee that your ſouldiers arms be always fixt, and that they be furniſhed with amunition, proviſions, and other neceſſaries, that ſo they may be in readineſs to repel and attack the enemy. In your purſute you are to take ſpecial care to avoid danger by ambuſhments, or being drawn under any diſadvantage by the enemy in your marches, keeping out ſcouts, and a forlorn before your main body, and by all poſſible means, endeavouring to ſurpriſe ſome of the enemy, that ſo you may gain intelligence. You are to ſuppreſs all mutinies and diſorders among your ſouldiers as much as in you lies, and puniſh ſuch as diſobey your officers, according to the rules of war herewith given you.

You are according to your opportunity, or any occaſion more than ordinary occuring, to hold correſpondence with major Swaine, and to yeald mutual aſſiſtance, when and as you are capable of it, and you may have reaſon to judge it will be of moſt public ſervice: and it will be meet, you and he ſhould agree of ſome ſignal, whereby your Indians

may

may be known from the enemy. You are to incourage your ſouldiers to be induſtrious, vigorous, and venturous in their ſervice, to ſearch out, and diſtroy the enemy, acquainting them, it is agreed by the ſeveral colonies that they ſhall have the benefit of the captives, and all lawful plunder, and the reward of eight pounds, per head, for every fighting Indian man ſlain by them, over and above their ſtated wages, the ſame being made to appear to the commander in chief, or ſuch as ſhall be appointed to take care therein.

If your commiſſion officers, or any of them, ſhould be ſlain, or otherwiſe uncapable of ſervice, and for ſuch reaſon diſmiſt, you are to appoint others in their room, who ſhall have the like wages, and a commiſſion ſent, upon notice given; you to give them commiſſions in the mean time You are to take effectual care, that the worſhip of God be kept up in the army, morning and evening prayer attended as far as may be, and as the emergencies of your affairs will admit, to ſee that the holy Sabbath be duly ſanctified. You are to take care as much as may be, to prevent or puniſh drunkenneſs, ſwearing, curſing, or ſuch other ſins as do provoke the anger of God. You are to adviſe with your chief officers, in any matters of moment, as you ſhall have opportunity. You are from time to time to give intelligence to governour and council of the Maſſachuſetts, or commiſſioners of the colonies, of your proceedings and occurence that may happen, and how it ſhall pleaſe the Lord to deal with in this preſent expedition.

If you find the veſſells are not likely to be ſerviceable to you, diſmiſs them as ſoon as you may. Capt. Sylvanus Davis is a prudent man and well acquainted with the affairs of thoſe parts, and is writt unto to adviſe and inform you all he can. Such further inſtructions as we ſhall ſee reaſon to ſend unto you; you are carefully to attend and obſerve, and in the abſence of the commiſſioners, you ſhall obſerve the orders and inſtructions directed unto you from the government and council of the Maſſachuſetts. Given under our hands in Boſton, Sept. 18th, 1689.

Thos. Danforth, *Preſident.*
Eliſha Cooke,
Samuel Maſon,
William Pitkin,
Thos. Hinkley,
John Walley.

No. VI.—Page 307.

Charter to Gorges.

TO all chriſtian people to whom this preſent writing ſhall come; I Sir Ferdinando Gorges, knight, lord, and owner of the Province of Mayne in New England in America, doe ſend greeting in our Lord God everlaſting:—Know yee, that whereas by my commiſſion and ordinances, bearing date in September laſt paſt, I have made and eſtabliſhed a councell in my ſaid province for the due execution of juſtice there, according to the power unto me given by his majeſties letters pattents, bearing date the third day of Aprill, in this preſent fifteenth yeare of his highneſs raigne. Now for that I am not certaine whether my ſaid com-

miſſion and ordinances be ſafely arrived within my ſaid province, whereby juſtice may be duly executed according to the tenor thereof, I have thought fit to reeſtabliſh a councell therein for the execution of juſtice according to the ordinances hereunto ſubſcribed, and according to the power unto me given by the ſaid letters pattents, a true coppie whereof is hereunto annexed: by virtue of which power, I hereby nominate and appointe my truſtie and wellbeloved coſen Thomas Gorges, Eſq. Richard Vines, Eſq. my ſervant and ſteward general, Henry Joſelin, Eſq. Francis Champernoone, Eſq. my loving nephew, Richard Bonithon, William Hook and Edward Godfrey, Eſqs. to be my councellors for the due execution of juſtice in ſuch manner and form as by my ſubſcribed ordinances is directed, and as by the ſaid letters pattents I am enabled, and I doe alſoe give them power to adminiſter oathes to any perſon or perſons within my ſaid province for their better direccon and clearing of the truth in anie cauſe or matter which ſhall depend before them, and to doe and performe all other things unto the execution of juſtice in ſuch manner and forme as by my ſaid ſubſcribed ordinances is ordained, and the ſaid royall charter I am enabled or authoriſed; and doe alſoe give my ſaid kinſman Thomas Gorges, Eſq. and my ſaid ſteward, general, or either of them, full power and authoritie to adminiſter the oath of allegiance, according to the form now uſed in this his highneſs' realme of England, and the oath in the ſaid ſubſcribed ordinances inſerted unto the reſt of the ſaid councellors, and after the adminiſtration thereof unto them, as aforeſaid, I do will and authorize them or any two of them to adminiſter the ſaid oathes to the ſaid Thomas Gorges and Richard Vines, and ſo to proceed unto the execution of juſtice according unto the power unto them given in the ſaid ſubſcribed ordinances, as by the ſaid letters pattents, I am appointed or enabled. And foraſmuch as there have bin ſundry complaints unto me exhibited, of the piracyes, ſpoiles and other dangerous attempts that have bin made upon the inhabitants of my ſaid province by the natives and other piraticall perſons, contrary to the law of nations, and to the diſheartening of other good ſubjects to plant therein; for prevention whereof, I do, by virtue of the power unto me given by the ſaid letters pattents, authorize my ſaid councell or any five or more of them, whereof the ſaid Thomas Gorges or Richard Vines, Eſqs. to be one, by commiſſion under the publique ſeale of my ſaid province, directed to the provoſt marſhall or ſuch other perſon or perſons as they ſhall thinke meete, to leavy and take ſuch forces as the ſaid province will afford, and therewith to make head by land or ſea againſt ſuch piratts, and them to purſue by all good wayes and means out of the ſaid province, and if it ſhall ſoe pleaſe God to apprehend, kill or take them, and being apprehended either according to martiall law to proceede againſt them, or otherwiſe to diſpoſe of them as by my ſaid councell or the greater part of them ſhal be thought meete at their next ſeſſions or aſſembly to be held for publique detetmination of cauſes within the ſaid province, according to the ſaid ſubſcribed ordinances, which ordinances doe follow in theſe words:

Ordinances made and eſtabliſhed and ordained by me Sir Ferdinando Gorges, knight, lord, and proprietor of the Province of Mayne in New England in America, and to be put in execucon by the perſons hereafter menconed.

Firſt. Having deſired nothing more than the happineſs and proſperity of my ſaid province, and that the inhabitants thereof may be peaceably

and

and prosperously governed, I have thought fit, according unto the power unto me given by his majesty's said letters pattents bearing date as aforesaid, to nominate and appoint my trusty and well beloved cosen Thomas Gorges, Esq. Richard Vines, Esq. my servant and steward generall, Henry Joselin, Esq. Francis Champernoon, Esq. my loving nephew, Richard Bonithin, William Hooke, and Edward Godfrey, Esqs. and such others as I shall hereafter appoint, to be of my said councell duringe my will and pleasure only: and I doe hereby give my said cosen Thomas Gorges, Esquire, and my said steward generall Richard Vines, Esq. or either of them power and authority to call together so many of my said councell as shal be sufficient to determine and order any suite or matter depending before them or which shall hereafter depend before them (according to these my ordinances) and that there may be a certaine place and time for determininge of suites and causes, I have thought fitt to assigne the place to be as neare as may be unto the midst of that partt of the said province which is most inhabited, and that your meetings be upon a day certaine once a month to be appointed by my said councellors or any three of them, whereof the said Thomas Gorges or Richard Vines to be one; and at those meetings I doe give my said councell, or any three of them, whereof the said Thomas Gorges or Richard Vines to be one, power and authoritie, and do ordaine, that they shall examine, determine and punish all blasphemyes, mutinies, murders, felonyes, burglaryes, manslaughters, robberyes, pettilarcenyes, rapes and ravishments, swearing, drunkennes, adultereyes, fornication, incest, riots, routs, unlawful assemblyes, spreaders of false newes, oppressions, exaccons, extorcons, forestallinge, regrateinge, and all other undue raisinge the prices of the commodities whatsoever, and alsoe all forgeryes, perjuryes, and all other offences don or committed within the said province, contrary to the peace of our soveraigne lord the king, his royall crowne and dignitie; and that my saide councell or any three of them, as aforesaid, whereof the said Thomas Gorges or Richard Vines, to be one, shall and may inflict such paines and punishments, upon any person or persons duly convicted or found guilty before them, for committing anie of the offences aforesaid, as by his majestyes laws or statutes now in force in this his highnes' realme of England are made and provided for such offenders in as large and ample manner as by the said letters pattents I am enabled and no otherwise. And I doe further ordeyne that my said councell or anie three of them whereof the said Thomas Gorges or Richard Vines, to be one, shall heare, determine and order all complaints to them exhibibited within the said province for controversies arising between party and party, touching breach of covenants, debts, detinues, assumptsits, bonds, bills, legacyes and all other causes and actions whatsoever that doth or may concerne any person or persons in their goods chattels or freeholds, within the said province, and to make such orders upon hearing thereof for the relief of the complainant as the justnes of the cause shall require, and as to the lawes and statutes of this his highnes' realme of England are agreeable, and to award such costs and damages to the plantiffe or defendant upon hearinge thereof as they shall thinke meete. But I doe limitt and restraine the power before menconed for punishinge the offences before expressed and hearinge and determininge differences arising betweene party and party from extending to the punishinge, orderinge, or arbitrating any cause or

offence which ſhall depend before my ſaid councell (ſaving ſuch offences and cauſes as they ſhall puniſh and order according to the power unto me given by the ſaid letters pattents, not exceeding or varyinge any thing from the ſame according to the intent and true meaning thereof. And I do further ordayne that my ſaid councell or any three of them as aforeſaid, whereof the ſaid Thomas Gorges or Richard Vines, Eſqs. to be one, ſhall puniſh all perſons that contemptuouſly refuſe to give obedience unto ſuch orders as my ſaid councell ſhall make at their ſittings or ſeſſions, and to impoſe fynes, and committ the parties ſoe contemninge them, to priſon, until they give obedience thereunto: and that there may be an orderly courſe held, for ſummoninge of appearance to any that ſhall be called to anſwer before my ſaid councell, I have aſſigned this ſhorte forme of proceſs to be there uſed:——

To *A. B.* of *D.* in the ſaid province, greeting, Theſe are to will and command you to come and appeare before us the councell eſtabliſhed for the Province of Mayne upon the firſt day of, &c. to anſwere to the complaint of *E.* Given under the ſeale of the ſecretary of our ſaid councell the day of, &c.

But in caſe of fellony or any capitall offence, the warrant is to be directed to the provoſt marſhall or conſtable of the peace, and to be after this forme:

Theſe are to command you, preſently upon receipt hereof, to take with you a ſufficient guard, and to uſe your beſt meanes for apprehending of *A. B.* and him to bringe before us to anſwer unto ſuch matters of fellony as ſhall be objected againſt him. Hereof fail not, &c. Given under the ſeale, &c.

And I doe further ordeyne that you appointe ſome able ſufficient clarke, to regiſter all your proceedings, and record all your orders of courte; and to aſſigne ſuch other officers as ſhall be fitt, to attend your courte: and I doe alſoe ordeyne that if any perſon or perſons ſhall contemne any of your orders, made according to the power unto me given by the ſaid letters pattents, that you then aſſigne your provoſt martiall, to goe with a ſufficient guard for apprehencon of ſuch delinquents, and him or them to deteyne in ſafe priſon, till you further determine of them; but in caſe reſiſtance be made, then the provoſt martiall is to proceede to the killinge of ſuch reſiſters as in like caſe of rebellion, you giving him warrant for ſoe doinge, which warrant is to be after this manner:

To the provoſt martiall, &c. Foraſmuch as ſufficient proofe hath been made before us of the mutinous demeanors of *E. D.* contrary to the honour of juſtice, and to the breach of ſeverall orders in that behalf provided, Theſe are therefore ſtrictly to charge and command you, to take with you a ſtronge guard well armed, and that you omit not to apprehend the ſaid *E. D.* and him to bringe before us or ſome of us to be dealt withall accordinge to the nature of his cryme: and in caſe reſiſtance, be made, or that he fortify his houſe againſt you, that you then omit not by fire or otherwiſe to proceed againſt him, as againſt a dangerous rebell.

But before this be granted, the court is to procede unto a diligent hearing of the complainte and to be well aſſured of the proofes made of the matters he ſtands accuſed of, which done, ſentence is to be given ſpecyfieing the proofes whereupon the order is grounded; and for the execution of ſuch orders, and keeping of priſoners, you are to make a provoſt martiall, who is to have a houſe built for that purpoſe at the common charge, for that it is for the publique good. And I doe further ordeyne

deyne that my ſaid councellors before they procede to the orderinge or punishinge any of the offences or cauſes before expreſſed, ſhall take the oath of allegiance according to the forme now uſed in this his highneſs' realme of England for their loyaltie to his majeſtie, and alſo the oath hereafter expreſſed for the due execution of juſtice without reſpect of perſons, which oath doth follow in theſe words:

I doe ſweare to be a faithful ſervant and councellor unto Sir Ferdinando Gorges, knight, my lord of the Province of Maine, and to his heirs and aſſignes, to doe and perform all dutiful reſpects to him or them belonginge, concealing their councells, and without reſpect of perſons to give my opinion in all caſes according to my conſcience and beſt underſtandinge, both as I am a judge for hearinge of cauſes, and otherwiſe freely to give my opinion as I am a councellor for matters of the ſtate, or commonwealth; and that I will not conceale from him and his ſaid councell any matter of conſpiracy or mutinous practiſe againſt my ſaid lord, his heires or aſſignes, but will inſtantly after my knowledge thereof diſcover the ſame unto him and his ſaid councell, and ſeeke to prevent it, and by all means proſecute the authors thereof with all ſeverity, according to juſtice: and thereupon I kiſſe the booke.

And that all ſuites or cauſes that ſhall depend before my ſaid councell may proceed in an orderly manner without confuſion or uncertainty, I do hereby nominate and appoint my ſaid kinſman Thomas Gorges, Eſq. to be ſecretary of my ſaid councell, and have delivered him a ſeale for ſealing of all proceſſes or warrants which ſhall iſſue from my ſaid councell; and doe ordayne that all proceſſes or warrants which ſhall iſſue there without being duly ſealed with the ſaid ſeale, after the publiſhinge of theſe my ordinances, ſhall be utterly void and fruſtrate, and ſuch perſons as refuſe to give obedience thereunto, not to be puniſhed for their ſoe doinge. In witneſs whereof, I have hereunto put my hand and ſeale, the tenth day of March, in the fiftenth yeare of the raigne of our moſt gracious ſoveraigne lord, king Charles, annoque Domini, 1639.*

When Charles had attempted to recall the charters made by his father, and taken, as he conceived, the whole of New England into his own hands, Georges iſſued another commiſſion and another ordinance to the ſame perſons to execute the government of his province. That commiſſion was as follows.

TO all chriſtian people to whome this preſent writinge ſhall come, I Sir Ferdinando Georges, lord proprietor and owner of the Province of Maine in New England in America, do ſend greeting in our Lord God everlaſting. Know yee, that whereas it hath pleaſed the king's moſt excellent majeſtie to take into his owne actuall and reall poſſeſſion, all the terretories and tracts of land, now called New England in America; and hath, out of his royall favour, by his royall charter under the great ſeale of England, bearing date the third day of April, in this preſent fifteenth yeare of his highneſs' raigne, graunted and confirmed unto me the ſaid Sir Ferdinando Georges, all that part and porcion of land lying and being in New England aforeſaid, which by the meetes and bounds thereof, extendeth itſelf from the entrance of Paſcataway Harbour unto the river of Sagadehadocke, and ſoe up into the maine land one hundred and twentie milles, and hath declared his royall pleaſure that the ſaid portion

* *York Records.*

portion of maine land aforesaid shal be henceforth called and named the Province of Maine, with all the soyles, rivers and brookes thereof, and hath also, by his said royall charter, given me power and authoritie to make and establish ordinances for the better government and wellfare of the inhabitants of the said province, and publique peace thereof, with divers other royalties, priviledges and imunities, as by the said royall charter, a true copy whereof is hereunto annexed, wherunto relation being had more at large, it doth and may appeare; by vertue whereof, I have upon deliberate consideration, made and established the ordinaunces unto this commission subscribed, for the better government of my said province, and until my further pleasure shall be signified for the revocation and making voide thereof, or untill I shall assemble the freeholders of my said province for enacting such lawes and statuts as may agree with the welfare of the publique state of the said province: wherefore, of the speciall good opinion which I have conceived of my trusty and wellbeloved Sir Thomas Josselin knight, Richard Vines, Esq. my steward generall, Francis Chapernoon, Esq. my loving nephew, Henry Josselin, and Richard Bonithton, Esquires, William Hooke and Edward Godfree gentlemen, I doe hereby constitute, ordaine and appoint them, the said Thomas Josselin knight, Richard Vines, Francis Champernoone, Henry Josselin and Richard Bonithton, Esquires, William Hooke and Edward Godfree, gentlemen, to be my councellors for the due execution of justice in such manner and forme as by my ordinances hereunto subscribed is directed, and as by the said annexed royall charter I am inabled, and doe alsoe give them power and authoritie to administer oaths to any person or persons within my said province for there better direccon and clearing of the truth in any cause or matter that shall depend before them, and to doe and performe all other things unto the execution of justice belonging in such manner and form as by my said subscribed ordinances is ordeyned, and the said royall charter I am authorised, and I do alsoe give full power and authoritie unto the said Richard Vines, Esq. my said steward generall, to administer the oaths of allegiance according to the form used in this his majesties realme of England, and the oath in the said ordinances expressed unto the rest of my said councellors, and after the administration thereof unto them as aforesaid, I doe will and authorize them or any two of them to administer the said oaths unto the said Richard Vines, and soe to proceed to the execution of justice according to the power unto them given in my said ordinances, as by the said annexed copy of royall charter I am appointed. And for so much as there hath been severall complaints, to me exhibited, against the piracies, spoyles, and other dangerous attempts that have bin made upon the inhabitants of my said province by the natives and other piraticall persons, contrary to the law of nations, and to the disheartening of other good subjects to be planters therein, for prevention whereof I do by the vertue of the power to me given by his majesties said royall charter, give full power and authoritie unto my said councellors, or any five of them, whereof the said Sir Thomas Josselin, or Richard Vines, Esquires, to be one, by there commission under there hands and seales, directed to the provoit martiall, or such other person or persons as they shall thinke fitt, to leavy armes, and take such forces as the said province will afoard, and therewith to make head, either by land or by sea, against such piratts or other persons, and to use all the means they can, for the vanquishing of them, or driving them out of the said province, and if it shall soe please God,

God, to apprehend, kill or take them, and being taken, to proceed againſt them according to marſhall law, or otherwiſe to determine of them as by the ſaid councell ſhal be thought convenient, or the major voyce of them ſhall adjudge at there next aſſembly or ſeſſions, to be held after apprehention of ſuch piratts or other perſons. All which ſeſſions or other aſſemblies are by them to be held at ſuch convenient tymes as they or the greater parte of them, whereof the ſaid Sir Thomas Joſſelin, or Richard Vines, Eſquires, to be one, ſhall thinke fitt for the due execution of the ſaid ordinances, which ordinances doe follow in theſe words.

Ordinances made, eſtabliſhed and ordeyned, by me Sir Ferdinando Georges, knight, lord proprietor and owner of the Province of Maine in New England in America, which ordinances are to be put in execution by my truſty and well beloved Sir Thomas Joſſelin, knight, Richard Vines, Eſq. my ſervant and ſteward generall, my loving nephew Francis Champernoone, Eſq. Henry Joſſelin, and Richard Bonithton, Eſquires, William Hook, and Edward Godfree, gentlemen, and ſuch others as ſhal be by me appointed hereafter, to be of my counſell in my ſaid province. For ſoe much as I have deſired nothing more than the happineſs of thoſe plantacons of New England in generall, and of the peaceable government of my ſaid province, the ſame being wholly appropriated to me my heires and aſſignes with full power and authoritie to diſpoſe of matters both for government and teretore as may beſt ſorte with the happineſs of the inhabitants thereof; by vertue whereof I have thought fit to nominate and appointe you my truſty and well beloved, Sir Thomas Joſſelin, knight, and the reſt of the perſons above named, to be my councellors for the due execution of my ordinances according to the power to me given by the ſaid royall charter, during my will and pleaſure only; and I doe therefore give full power and authoritie unto the ſaid Sir Thomas Joſſelin, and my ſaid ſteward general or either of them, to call together ſoe many of the ſaid counſell as ſhal be ſufficient to determine and order ſuch ſuites and cauſes as ſhal be commenced or depend before them: and that there may be a place appointed for the hearing and determining of cauſes, I have thought to aſſigne the ſame to be as nere as may be, in the midſt of that part of the province which is moſt inhabited, and that there be a houſe builte for that purpoſe at my own charge, if it cannot otherwiſe be ſetled. And I doe ordeyne, that your meeting be upon a day certaine, to be appointed by the ſaid counſell, or any three of them, whereof the ſaid Sir Thomas Joſſelin or Richard Vines, Eſquires, to be one, and I do give my ſaid councellors, or any three of them, whereof the ſaid Sir Thomas Joſſelin, or Richard Vines, Eſquires, to be one, full power and authoritie, and doe ordeyne and declare, that at their ſaid meeting they ſhall examine, heare and determine all muttines, felloneyes, murders, rapes, manſlaughter, burglaryes, petty larcenyes, forgeries, adultryes, inceſts, fornicacones, ſpreaderes of falſe newes, drunkenes, ſwearing, affrayes, ryottes, routes and unlawful aſſemblies. And doe ordeyne that my ſaid counſellors, or any three of them, whereof the ſaid Sir Thomas Joſſelin or Richard Vines, Eſqs. to be one, ſhall inflict ſuch paynes and puniſhments upon any perſon or perſons duly convicted or found guiltie before them, for commiting of the offences aforeſaide, as by his majeſties lawes and ſtatutes here in his majeſties realme of England, are made and ordeyned for puniſhment of the like offences, in as large and ample manner as I am enabled by the ſaid royal charter to doe and performe the ſame. And I doe further ordeyne,

deyne, that my ſaid counſellors, or any three of them, whereof the ſaid Sir Thomas Joſſelin or Richard Vines, Eſqs. to be one, ſhall heare, determine and order, all complaintes to them exhibited within my ſaid province, for controverſies ariſing between partie and partye, touching breach of covenantes, debts, detinues, bondes, bills, legacies and all other matters that may concerne any perſon or perſones, in there goods, chattells, or frehold, and to make ſuch orders therein for the relief of the complaynant upon hearinge thereof as the juſtice and equitie of the matter or cauſe ſhall deſerve, and as to his majeſties lawes and ſtatutes, in this his highneſs' realme of England are agreable, and alſo to award ſuch coſts or damages to the plantiffe or defendant as they ſhall thinke fitt upon hearing therof in ſuch manner and forme as by the ſaid royal chartter I am inabled and authorized. And I doe further ordeyne, that my ſaid counſell, or any three of them, whereof the ſaid Sir Thomas Joſſelin, or Richard Vines, to be one, ſhall have power and authoritie to puniſh any perſon or perſons that ſhall breake, or not give obedience unto ſuch orderes as they ſhall make at there ſaid ſeſſiones, or meetinges, and ſhall impoſe fines upon the perſones ſoe breaking them, and comitt them to priſon till they ſhall yeeld obedience thereunto. And that there may be an orderly courſe held for ſumoninge of appearance to thoſe that ſhal be called to anſwer before my ſaid councellors, I have aſſigned this ſhort forme of proceſs to be there uſed, viz. To our welbeloved A. B. greeting, theſe are to will and command you to come and appeare before us, the counſell eſtabliſhed in the Province of Maine, upon the day of to anſwer to the complaintes of Given under our hands and ſeales.

And in caſe of any fellonie or capitall crime, the warrant is to be directed to the provoſt martiall or the conſtable of the peace, and to be after this forme. Theſe are to will and comand you preſently upon recite hereof to take with you a ſufficient guard, and to uſe your beſt means for the apprehencion of A. B. and him to bring before me to anſwer unto ſuch matters of fellony, as ſhal be objected againſt him; hereof fail not. And the delinquent ſoe apprehended, is by the conſtable to be kept either in irons or ſome ſtronge houſe, or to ſett a guarde upon him untill he ſhall give ſufficient ſecuritie for his appearance at the next generall ſeſſions to be by the ſaid counſell held for the ſaid province, or ſhal be otherwiſe diſpoſed by the ſaid counſell, or any two of them, whereof the ſaid Sir Thomas Joſſelin or Richard Vines, Eſq. to be one. And I doe further ordeyne, that you ſhall appoint ſome ſufficient clarke to regiſter all your proceedings, and recorde all your orders of court, and to aſſign ſuch other officers to attend your ſaid courte as ſhall be fit. And I do further ordeyne, that if any perſone or perſones ſhall conteme or refuſe to give obedience unto ſuch order or orders, which you ſhall make at any of your ſaid meetinges or ſeſſiones, and being duly convicted thereof, that then you aſſigne your provoſt martiall to goe with a ſufficient guarde and to apprehend ſuch a delinquent, and him to kepe in ſafe priſon till his cauſe be further ordered; and in caſe reſiſtance be made, that then the provoſt martiall proceed to kill, or otherwiſe apprehend and take ſuch reſiſters as in caſe of rebellion or mutiny, you giving him warrant under your handes and ſeales for ſoe doing, which warrant is to goe after this forme. Foraſmuch as ſufficient proofe hath bin made before us, of the con emptuous and mutinous caridge of Theſe are therefore ſtraightlie to chardge and comand you, that you take with

you

you a ſtrong and ſafe guarde well armed, and that you omitt not to apprehend the ſaid and him to bring before us, or ſome of us, to be further dealte withall, according to the nature of his crime. But in caſe theire ſhal be reſiſtance made or that he ſhall fortifie his houſe againſt you, that then you omitt not by fier or otherwiſe, to proceed in the execution of this our warrant as againſt a publique enemie, or dangerous rebell. Given under our hands and ſeales.

But before this is to be graunted, I doe ordeyne that the court ſhall proceed to a diligent hearing of the complaints, and to be well aſſured of the truth of thoſe complaints he ſtands accuſed of: which done, ſentence is to be given and recorded, ſpecifying the proofes whereupon the order is graunted. And I doe further ordeyne, that for the execution of ſuch orders and keeping all manner of priſoners, you make a provoſt martiall, who is to have a fitt houſe builte for that purpoſe at the common charge for that it is for the publique good. And I doe further ordeyne and declare, that my ſaid counſellors and every of them ſhall before they intermeddle with the hearing, ordering or puniſhing any of the matteres or offences before rehearſed, take the oath of allegiance according to the forme now uſed in this his highneſs' realme of England, and ſhall alſoe take the oath hereunto ſubſcribed, for the due execution of juſtice without reſpect of perſones, and that they preſume not to intermedle therein till they have taken the ſaid oaths, and that to be done at the firſt publique ſeſſiones, which the ſit for the execution of theſe my ordinances, which oath for the execution of juſtice followeth in theſe words.

I doe ſweare and proteſt before God Almightie and by the holy contentes of this booke to be a faithfull ſarvent and counſellor unto Sir Ferdinando Gorges, knight, my lord of the Province of Maine, and to his heires and aſſignes, to do and performe to the utmoſt of my power all dutifull reſpects, to him or them belonging, concealing their councells, and without reſpect of perſons to do, performe, and give my opinion in all cauſes according to my conſcience and beſt underſtanding, both as I am a counſellor for hearing of cauſes, and otherwiſe freely to give him or them my opinion, as I am a councellor for maters of ſtate or commonwealth; and that I will not conceale from him or them, and their councell any matter of conſpiracie or mutinous practice, againſt my ſaid lord, his heires and aſſignes, but will inſtantly after my knowledge thereof diſcover the ſame unto him and his ſaid counſell, and by all means ſeeke to prevent the ſame, and proſecute the authors thereof with all dilligence and ſeveritie according to juſtice, and thereuppon do humbly kiſſe the booke.

And laſtly, I doe ordeyne that comiſſion and ordinances be publiquely read at the firſt aſſemblie, and ſittinge of my ſaide councell, whereby the inhabitants of my ſaid province may know how they are to be governed. In witneſs whereof I have unto this my ſaid commiſſion and ordinances putt my hand and ſeale, this ſecond day of September, in the fefteenth yeare of the raigne of our moſt gracious ſovereigne lord, king Charles, anno Domini, 1639.*

* *York Records.*

FINIS.